

<u>Mayor Patrick L. McCrory</u>	<u>Mayor Pro Tem Susan Burgess</u>
Michael Barnes	John W. Lassiter
Nancy Carter	Don Lochman
Andy Dulin	James Mitchell, Jr.
Anthony Foxx	Patrick Mumford
Patsy Kinsey	Warren F. Turner

# **CITY COUNCIL MEETING**

**Monday, January 9, 2006**

---

# CITY COUNCIL AGENDA

Monday, January 9, 2006

## TABLE OF CONTENTS

<u>Item No.</u>		<u>Page No.</u>	<u>Attachment No.</u>
<b>5:00 P.M. Dinner Briefing</b>			
<b>Conference Center</b>			
1.	Charlotte Center City Partners Proposal for Third Ward Park, Minor League Baseball Stadium and Implementation of the Second Ward Master Plan	1	
2.	Status of Seniors Initiative Report	1	
3.	2005 Small Business Survey	2	
4.	Air Quality Standards Attainment Plan	2	
5.	Congressional Earmarks and the North Carolina Transportation Improvement Program FY07-13	3	
6.	Committee Reports by Exception	4	
<b>6:30 P.M. Citizens Forum</b>			
<b>Meeting Chamber</b>			
<b>7:00 P.M. Awards and Recognitions</b>			
<b>Meeting Chamber</b>			
<b>Consent</b>			
7.	Consent agenda items 21 through 30 may be considered in one motion except those items removed by a Council member. Items are removed by notifying the City Clerk before the meeting.	5	

<u>Item No.</u>		<u>Page No.</u>	<u>Attachment No.</u>
<b>Public Hearing</b>			
8.	Public Hearing on Resolution to Close an Alleyway Located Off of North Torrence Street	6	1
9.	Public Hearing on Resolution to Close a Portion of Cameron Avenue Located Off of Kenmore Avenue	7	2
<b>Policy</b>			
10.	City Manager's Report	9	
11.	Sale of the Charlotte Coliseum Property	9	3
12.	Carolina Theatre Purchase and Sale Agreement	11	4
13.	Third Ward Park, Minor League Baseball Stadium and Second Ward Master Plan	12	
14.	Rental Registration and Inspection Program	13	5
15.	Section 8 Program Evaluation and Action Plan – Proposed Good Neighbors Relations Program	14	6
16.	FY2007 Budget Process and Calendar	16	7
<b>Business</b>			
17.	Air Quality Standards Attainment Plan	17	
18.	Renaming of Stonewall Street to Dr. Martin Luther King, Jr. Boulevard	17	
19.	Nominations to Boards and Commissions	18	8-19
20.	Closed Session	20	

**Item No.**

**Page No.**

**Attachment No.**

**Mayor and Council Topics**

**Consent I**

<b>21.</b>	Various Bids		
	A. Endhaven Lane Sidewalks	22	
	B. Storm Water Maintenance FY2006A	23	
	C. Personal Protective Equipment	23	
	D. Wilson Air Center Terminal Renovations	23	
	E. South Corridor Infrastructure Program, Package F	24	
<b>22.</b>	Refund of Property Taxes and Business Privilege Licenses	24	20

**Consent II**

<b>23.</b>	Workforce Investment Grant	25	21
<b>24.</b>	Heater Utilities Sewer Services Agreement	25	
<b>25.</b>	Police Helicopter Night Vision System	26	
<b>26.</b>	Self-Contained Breathing Apparatus Upgrade	27	
<b>27.</b>	Mobile ALERT Command Center	28	
<b>28.</b>	Electronic Auction	29	22
<b>29.</b>	Property Transactions	30	
<b>30.</b>	Meeting Minutes	35	

## **5:00 P.M. DINNER BRIEFING CONFERENCE CENTER**

### **1. Charlotte Center City Partners Proposal for Third Ward Park, Minor League Baseball Stadium and Implementation of the Second Ward Master Plan**

**Resource:** Michael Smith, Charlotte Center City Partners

**Time:** 30 minutes

#### **Synopsis**

Charlotte Center City Partners will present to the Mayor and City Council the proposal presented to the Mecklenburg County Board of County Commissioners on December 20, 2005.

#### **Future Action**

Council decision on directing staff to work with Center City Partners, Mecklenburg County and the Charlotte Knights to more fully develop the proposal as presented

### **2. Status of Seniors Initiative Report**

**Resources:** Jerry Fox, Chair  
Ted Rast, Co-Chair

**Time:** 20 minutes

#### **Synopsis**

- The goal of the Status of Seniors Initiative (SOSI) is a more senior-friendly Charlotte-Mecklenburg that better enables older adults, along with their families involvement, to stay in their homes as long as possible.
- The SOSI is a community collaboration that has developed seven recommendations with implementation strategies.
- The SOSI began by addressing these seven areas and will develop new recommendations and strategies when these seven are achieving results.
- The previous reports, in 2003 and 2004, laid out some of the demographic imperatives about the current older adult population and the coming baby boom retirement.
- All three reports, along with other information, may be found at <http://statusofseniors.charmeck.org>.
- The seven recommendations are:
  - A Center For Aging
  - Caregiver Celebration & Support
  - Community Safety
  - Transportation Independence

- Community Education and Information
- Health Public Policies
- Physical Environment

#### **Future Action by City**

- Before July 2006 appoint a senior City employee to serve on the SOSI Steering Committee.
- Beginning in July 2006 have City staff provide comments on how future policy issues (as appropriate) would affect older adults.
- By December 2006 adopt the proposed urban street design guidelines to enhance walkability.
- By January 2007 encourage and offer incentives for more compact, mixed use and walkable neighborhood development – especially near transit centers.
- By December 2007 change city regulations to allow a wider range of housing accessory uses such as garage apartment and granny flats.
- By July 2008 develop recommendations to reduce the incidence of crimes against seniors, and ways to reduce some of the erroneous perceptions of seniors about the level of crime in their neighborhoods.
- Incorporate into City policies, guidance that addresses the Status of Seniors Initiative’s recommendations as an ongoing partnership.

### **3. 2005 Small Business Survey**

**Staff Resource:** Tiffany Capers, Small Business Development Program

**Time:** 10 minutes

#### **Synopsis**

- One initiative in the FY2006 Economic Development Strategic Framework was the completion of a small business survey to establish a baseline of small business needs in the Charlotte-Mecklenburg community.
- Through a collaborative effort among the Charlotte Chamber, Central Piedmont Community College and the City’s Economic Development office, staff engaged a consultant to administer the survey in August 2005.
- During this presentation, staff will provide survey findings and recommendations.

### **4. Air Quality Standards Attainment Plan**

**Resources:** Norm Steinman, Transportation  
Eldewins Haynes, Transportation

**Time:** 30 minutes

#### **Synopsis**

- The North Carolina Division of Air Quality (NCDAQ) is preparing the State Implementation Plan (SIP) that will describe how attainment of the National Ambient Air Quality Standards (NAAQS) will occur. The SIP will include an

air quality modeling demonstration to show that the emissions control strategy of the SIP can solve the region's nonattainment problem by 2009.

- An important product of the SIP development process is the definition of Motor Vehicle Emissions Budgets (MVEB) for nitrogen oxides and volatile organic compounds for the non-attainment area. NCDAQ requested the City's preference for establishing the geographic definition of the MVEB in our region. The MVEB, once approved, must be compared to projected emissions in future conformity determinations.
- Staff from the three area Metropolitan Planning Organizations (Cabarrus-Rowan, Gaston Urban Area, and Mecklenburg-Union) and the two Rural Planning Organizations (Lake Norman and Rocky River) in the Charlotte nonattainment area may recommend to NCDAQ that a single MVEB be established for the entire North Carolina portion of the Charlotte Region non attainment area, which includes Cabarrus, Gaston, Lincoln, Mecklenburg, Rowan, Union counties. Providing county-by-county information about population and employment growth may also be part of the recommendation.
- Mecklenburg Union Metropolitan Planning Organization will consider adoption of a resolution supporting this position for NCDAQ's consideration at its January 18, 2006 meeting.

#### **Future Action**

- Staff will ask that you direct your MUMPO representative's vote to support the MUMPO resolution as part of the January 9<sup>th</sup> agenda, item 17, page 17.

## **5. Congressional Earmarks and the North Carolina Transportation Improvement Program FY07-13**

**Resource:** Bill Finger, Transportation

**Time:** 30 minutes

#### **Synopsis**

- The NC Board of Transportation plans to adopt a new North Carolina Transportation Improvement Program (NCTIP) in August 2006. The new NCTIP will include some additional funding from the new federal transportation bill. In passing the Bill, Congress included 21 earmarks for our area. Six of these earmarks will reduce the equity formula funds available for most non-loop road projects. Because North Carolina is a "Donor State", under federal law, NC gets additional funds to meet a certain percentage of the federal fuel taxes collected in NC. Therefore, we do not get any new (or additional) money from most earmarks; we just get a smaller Donor State Adjustment.
- The Mecklenburg-Union Technical Coordinating Committee (TCC) will meet on Thursday, January 5<sup>th</sup> and will discuss options for dealing with the congressional earmarks.
- Staff believes there will also be discussion and perhaps recommendations at the Mecklenburg-Union Metropolitan Planning Organization (MUMPO) on January 18<sup>th</sup>. After the TCC meeting and before the MUMPO meeting, staff

would like to brief Council on the current status and options for addressing the six Congressional earmarks.

- The proposed schedule is as follows:

January 5	TCC discussion of the Congressional earmarks
January 9	Staff presentation to Council
January 18	MUMPO will discuss options for addressing the earmarks
Early 2006	Negotiations between MUMPO and NCDOT on addressing congressional earmarks, revisions for existing project schedules and potential for new projects to be included in the FY07-13 NCTIP
Spring 2006	Distribution of the Draft FY07-13 NCTIP and additional MUMPO response
August 2006	Adoption of the FY07-13 NCTIP by the NC Board of Transportation

#### **Future Action**

- Staff will ask Council to direct their MUMPO representative's vote at a future MUMPO meeting (possibly March 15<sup>th</sup>).

## **6. Committee Reports by Exception**

Housing and Neighborhood Development: Rental Registration and Inspection Program; Section 8 Program Evaluation and Action Plan-Proposed Good Neighbors Relations Program

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

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

**CONSENT**

- 7. Consent agenda items 21 through 30 may be considered in one motion except those items removed by a Council member. Items are removed by notifying the City Clerk before the meeting.**

## PUBLIC HEARING

### 8. Public Hearing on Resolution to Close an Alleyway Located Off of North Torrence Street

**Action:**   A. Conduct a public hearing to close an alleyway located off of North Torrence Street, and

                  B. Adopt a Resolution to Close.

**Staff Resource:**     Linda Poissant, Transportation

#### **Policy**

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

#### **Explanation**

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

#### **Petitioner**

The Trustees of Central Piedmont Community College, East Fourth Street, LLC and Larry E. & Lynda A. Price - Mayleng Watson/Helms Mullis Wicker

#### **Right-of-Way to be abandoned**

An alleyway located off of North Torrence Street

#### **Location**

Located within the vicinity of the Cherry Community Association beginning from North Torrence Street continuing northwestwardly approximately 198 feet to its terminus at parcel #125-103-02

#### **Reason**

To incorporate the right-of-way into adjacent property owned by the petitioners to be used as part of the expansion of the CPCC bookstore project

#### **Notification**

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

#### Adjoining property owners

Ailene S. Harris – No objections

Roland G. Thomas – No objections

Neighborhood/Business Associations

York Road Neighborhood Association – No objection

Clanton Park Community – No response

Colonial Village Neighborhood Association – No objection

Sedgefield Neighborhood Association – No objection

Madison Park Neighborhood – No objection

Private Utility Companies – No objections

City Departments –

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

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

**Attachment**

Resolution

Map

**9. Public Hearing on Resolution to Close a Portion of Cameron Avenue Located Off of Kenmore Avenue**

**Action:**    **A. Conduct a public hearing to close a portion of Cameron Avenue running off of Kenmore Avenue, and**

**B. Adopt a Resolution to Close.**

**Staff Resource:**        Linda Poissant, Transportation

**Policy**

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

**Explanation**

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

**Petitioner**

Gerald E. Tylman and Elaine K. Scott

**Right-of-Way to be abandoned**

A portion of Cameron Avenue located off of Kenmore Avenue

**Location**

Located within the vicinity of the Elizabeth Community beginning from Kenmore Avenue continuing southwestwardly approximately 322 feet to its terminus

**Reason**

To incorporate the right-of-way into adjacent property owned by the petitioners for residential expansion

**Notification**

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

Adjoining property owners

Steven M. Purnell – No objection

Neighborhood/Business Associations

Elizabeth Community Association – No objection

Eastover Resident’s Association – No objection

Chantilly Neighborhood Association – No objection

Plaza Midwood Neighborhood Association – No objection

Grier Heights Community Improvements Organization – No objection

Private Utility Companies – No objections

City Departments –

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

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

**Attachment 2**

Resolution

Map

## POLICY

### 10. City Manager's Report

### 11. Sale of the Charlotte Coliseum Property



**Action:** Adopt a resolution approving the sale of the Charlotte Coliseum Property to Comstock Partners, LC, for \$22,200,000.

*Note: the next phase of the upset bid process ends at 10:00 a.m. on Monday, January 9, 2006. Should the City receive additional qualified bids, this item will be removed from the agenda and the upset bidding process will continue.*

**Staff Resource:** Curt Walton, City Manager's Office  
Kent Winslow, Real Estate

#### Explanation

- Proceeds from the sale of the Charlotte Coliseum and its approximate 154 acres were approved by City Council in 2003 to be part of the financing of the new arena.
- The City's contract with the Charlotte Bobcats allows the property to be sold "no earlier than the later of sixty (60) days after substantial completion of the arena or thirty (30) days after the team begins playing home games in the arena." Therefore, the property may be sold after December 20, 2005.
- By North Carolina state statute, the property must be sold by competitive bid. The first upset bid period began on November 4, 2005 and ended at 5:00 pm on November 14, 2005.
- The bidding began at a price of \$17,820,000, with that bid being offered by Comstock Partners, LC, a Virginia real estate development company. The bid included no contingencies.
- On November 14, 2005, Pope & Land Enterprises submitted a qualified bid of \$19,000,000, which is greater than the minimum 5% bid threshold required by state law. The bid also included no contingencies.
- On November 28, 2005, Comstock Partners submitted a bid of \$20,000,000, an amount which is also greater than the minimum 5% bid threshold required by state law. The bid included no contingencies.
- On December 12, 2005, Pope & Land Enterprises, Inc. submitted a bid of \$21,100,000, which is also greater than the minimum 5% bid threshold. The bid included no contingencies.
- On December 27, 2005, Comstock Partners submitted a bid of \$22,200,000, which is greater than the minimum 5% bid threshold. The bid includes no contingencies.
- Staff recommends the sale of the Coliseum property to Comstock Partners for \$22,200,000.

- Should another qualified bid be received prior to 10:00 a.m. on January 9, 2006, this item will be removed from the agenda and the bidding process will continue.

### Background

- The arena financing included up to \$50 million of proceeds from the sale of City assets, with the sale of the Coliseum property being the largest piece.
- The proceeds from the following properties were specifically dedicated to the financing of the new arena: the Coliseum property, the old convention center, the old bus garage, property on Cedar Street subsequently sold to Johnson and Wales, and the federal courthouse. Council has since entered into an agreement to sell the federal courthouse property to Queens University of Charlotte following the construction of the new federal courthouse on E. Trade Street.
- Proceeds from the sale of other properties were subsequently dedicated to the arena financing model until the \$50 million was reached. Following is an accounting of those sales:

Property	Proceeds <sup>1</sup>
Charlotte Coliseum property to Comstock Partners	\$21,467,400
Old Convention Center to Pacific Avenue, LLC (Ghazi)	\$14,000,000
Old Bus Garage to Ninth Street Investors, LLC (Levine)	\$8,083,500
Coliseum Ground Leases to J. P. Morgan and Associates	\$3,236,170
Arena Out-Parcel 3 – currently being marketed	\$2,100,000 <sup>2</sup>
Arena Out-Parcel 2 to Preferred Parking	\$1,652,640
Children’s Theatre to Morehead Properties, Inc.	\$1,116,750
Cedar and Fourth Street to Johnson and Wales	\$1,000,000
Federal Payment for delay in Federal Courthouse Land Swap	\$989,477 <sup>3</sup>
Billy Graham/Westmont Remnant to Billy Graham Assoc.	\$399,500
<b>Total</b>	<b>\$54,045,437</b>

<sup>1</sup> “Proceeds” represent a net of commissions and closing costs, when applicable.

<sup>2</sup> Council has set the price for Arena Out-Parcel 3 at \$2.1 million with an anticipated sale in 2006. Marketing for the property has not begun because the value was based on the arena being complete and priority was placed on marketing and selling the coliseum property.

<sup>3</sup> The City’s agreement with the federal General Services Administration (GSA) included a land swap in 2003. In order to delay the land swap until 2004, the GSA requested \$1 million earnest money from Congress to pay the City. Congress appropriated approximately \$10,500 less than requested.

- Once Arena Out-Parcel 3 is sold, Council may decide how to allocate the surplus, which currently stands at \$4,045,437. Since these properties were originally purchased from a mix of sources (primarily Hotel/Motel taxes and General Obligation Bonds), Council may allocate this surplus to either a general capital project or to a tourist-related capital facility. It is recommended that City Council make this decision during the upcoming budget process.
- Arena Out-Parcel 1 is also available and is outside of the arena financing model. Parcel 1 was purchased for approximately \$7 million in the arena

transaction and may be sold after December 31, 2007, due to deed restrictions. Those proceeds would be restricted to a tourist-related capital facility since Parcel 1 was purchased with hotel/motel taxes. Council previously reserved \$2 million of the proceeds for the Whitewater Park.

- The estimated value of the proposed Coliseum development at build-out is \$300 million, which would generate annual property taxes of approximately \$3.75 million.

### **Information on Comstock Partners and its development plan**

- Comstock is a real estate development company headquartered in Reston, Virginia.
- Comstock has developed several large-scale mixed use developments, primarily in the mid-Atlantic states and is currently developing two of the largest mixed-use, transit-oriented projects in the Washington metropolitan area.
- Comstock's tentative plans for the Coliseum site are for a pedestrian-oriented mixture of residential and retail uses with a small amount of office.
- The residential components include both attached and detached residential units, with a total number of units between 1,800 and 2,000.
- The amount of retail would be between 200,000 and 300,000 square feet of services, specialty retail and restaurants.
- The office component would be between 60,000 and 120,000 square feet.
- The current zoning plan allows 1,200 residential units, 85,000 square feet of retail and 1.6 million square feet of office space. A re-zoning of the property will be necessary to allow Comstock to do what it proposes; however, the sale of the property is not contingent on the re-zoning and it will be Comstock, not the City, that will be pursuing the re-zoning after closing.

### **Attachment 3**

Resolution

## **12. Carolina Theatre Purchase and Sale Agreement**



**Action:** Adopt a resolution approving a Purchase and Sale Agreement with Camden Management Partners for the Carolina Theatre that complies with the Carolina Theatre Development Framework.

**Staff Resource:** Tom Flynn, Economic Development

### **Explanation**

- In December 2005 City Council approved the Carolina Theatre Development Framework and authorized the City Manager to advertise it for sale and finalize a purchase and sale agreement with Camden
- The Purchase & Sale Agreement incorporates the key points of the Carolina Theatre Development Framework including:
  - Camden purchases entire tract for \$1 million. City commits the \$1 million to renovate the Theatre.

- City and County provide annual contractual payments to Camden for providing an arts center and arts programs to the public.
- Grant payments total the net present value of \$4.5 million.
- Grant payments will begin after Certificates of Occupancy (CO) have been received for both the Carolina Theatre and the Condominium Tower (CO's estimated to be received in January 2008).
- County Commissioners will consider grant at its meeting on January 17, 2006.
- Annual payment does not exceed 90% of the property taxes collected on the property.
- Grant payments cease if Theatre owner stops providing arts programs.
- Carolina Theatre Preservation Society has right of first refusal to purchase the Theatre if they have met certain contingencies.
- City receives the proceeds of any sale of the Theatre net of any remaining debt payments, general transaction costs and outstanding liabilities.
- City staff will bring a complete Development Funding Agreement for the Carolina Theatre to Council in March 2006

#### **Attachment 4**

Resolution

Carolina Theater Development Framework

Q&A from December 12, 2005 Council meeting

### **13. Third Ward Park, Minor League Baseball Stadium and Second Ward Master Plan**

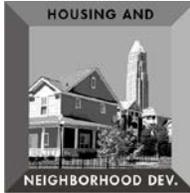
**Action:** Authorize the City Manager to work with Charlotte Center City Partners, Mecklenburg County and other parties as appropriate to determine the feasibility of the proposed development of an uptown park, minor league baseball stadium and Second Ward re-development.

#### **Explanation**

- On December 20, 2005, Charlotte Center City Partners President Michael Smith presented a proposal to the Mecklenburg County Board of Commissioners to re-position the uptown park in Third Ward, to develop a minor league baseball stadium on the site currently proposed for the uptown park, and implement the Second Ward master plan through private development.
- The Mayor and City Council will receive the same presentation at the January 9, 2006 dinner briefing.
- The proposal involves swaps of land between the above-referenced parties, as well as infrastructure improvements at City expense for the baseball stadium (similar to the football stadium funding model).
- Any and all agreements impacting the City will be brought forward to City Council for approval.

- A timeline for the decision-making process will be brought forward as soon as identified.

## 14. Rental Registration and Inspection Program



**Action:** Approve the Housing and Neighborhood Development Committee's recommendation to not pursue development of a Rental Registration and Inspection Program for the City of Charlotte.

**Committee Chair:** Susan Burgess

**Staff Resource:** Walter Abernethy, Neighborhood Development

### Policy

- As part of the 2005 City Council Retreat, the Rental Registration and Inspection Program was referred to the Housing and Neighborhood Development Committee for review.

### Explanation

- Rental Registration and Inspection Programs are local government initiatives where all or some portion of a city's rental housing stock is proactively inspected on an annual basis.
- The purpose of the program is to ensure maintenance and the safe and sanitary conditions of rental properties.
- Staff surveyed other national and state municipal Rental Registration and Inspection Programs to determine the feasibility of developing such a program for the City of Charlotte.
- Cities utilizing this program require an inspection and certification of rental units prior to occupancy.
- An estimated 22,046 annual inspections (20% of the 110,232 City's total rental housing units) would be required to establish a Rental Registration and Inspection Program in Charlotte, based on inspecting both occupied and un-occupied rental units on a five-year cycle.
- Based on our current system, this is estimated to require 74 additional Code Enforcement Inspectors at a cost of \$4.44 million for staff costs and administrative support systems. Some cities charge \$50 - \$150 per unit inspection fees to offset their costs and/or utilize private firms.
- By comparison, the City has 52 inspectors and support staff performing 3,060 housing inspections and 34,000 nuisance inspections annually at a cost of \$3.7 million.
- The Rental Registration and Inspection Programs while presenting a proactive approach have a number of fiscal, operational and public challenges, which include:
  - The cost associated with significant human resources and administrative requirements.
  - Rental Registration and Inspection Programs require the code enforcement operation to expend human resources on buildings that do not need repair.

- Landlord associations and property management firms are generally opposed to this type of program because of additional costs.

#### **Committee Recommendation**

- The Housing and Neighborhood Development Committee reviewed the Rental Registration Program at its November 22, 2005 meeting.
- Topics of discussion included program cost, the need for such a program in Charlotte and the challenges of developing the program.
- The Committee voted 4 to 1 (Burgess, Lochman, Mumford and Phipps) to not develop a Rental Registration and Inspection Program for the City of Charlotte. (Mitchell opposed)

#### **Attachment 5**

Rental Registration and Inspection Programs Report

## **15. Section 8 Program Evaluation and Action Plan – Proposed Good Neighbors Relations Program**



**Action: Approve the Housing and Neighborhood Development Committee's recommendation to approve the proposed Good Neighbors Relations Program.**

**Committee Chair:** Susan Burgess

**Staff Resource:** Stephanie Small, Neighborhood Development

#### **Policy**

- As part of the 2005 City Council Retreat, the Section 8 Program was referred to the Housing and Neighborhood Development Committee for review.

#### **Explanation**

- The Section 8 program is a Federal Rental Subsidy program. It provides vouchers that allow low-income families to acquire private market rental housing. The local Section 8 program is administered by the Charlotte Housing Authority (CHA).
- The Housing and Neighborhood Development Committee recommends the establishment of an education and training program to assist homeowners and renters in understanding model neighborhood standards.
- Inadequate trash and bulky item disposal, and inadequate home and lawn maintenance adversely affect neighborhoods.
- Code Enforcement is a tool that can be used to address issues after the fact, but a preventive approach through education and information sharing could help avoid neighborhood conflicts.
- The purpose of the Good Neighbors Relations Program is to improve the quality of life in Charlotte neighborhoods and to increase citizen awareness and concern for model neighborhood standards.

- The Good Neighbors Relations Program will consist of five components:
  - defining a good neighbor
  - reviewing housing, nuisance and zoning codes and standards
  - developing good neighbor relationships
  - engaging in conflict mediation
  - celebrating neighborhood successes
- Good Neighbors Relations classes will be incorporated into the City sponsored Community University Program and administered by City staff with no additional resource requirements.
- Good Neighbor Relations classes will be offered to the Charlotte Housing Authority for Section 8 voucher recipients.
- The program will be available starting February 2006.

### **Committee Recommendation**

- The Housing and Neighborhood Development Committee discussed concerns and community feedback about Section 8 at its October 25, 2005 meeting.
- Key issues discussed include the City's inability to control where Section 8 voucher holders locate due to Fair Housing laws, acknowledging that the issue is larger than Section 8 voucher recipients and the need to take a proactive approach to provide a Good Neighbor Relations Program.
- Neighborhood Development staff was asked to develop a Good Neighbors Relations Program that could be included in the City's Community University curriculum.
- The Committee reviewed an outline of the Good Neighbors Relations Program at its November 22, 2005 meeting.
- The Committee discussed the need to offer this program to the entire Charlotte Community including Section 8 voucher recipients. The Committee also discussed the need to effectively market the program to the community.
- The Committee unanimously voted (Burgess, Lochman, Mitchell, Mumford and Phipps) to approve the proposed Good Neighbors Relations Program.

### **Background**

- In 2002, issues relating to the Section 8 Program were studied as a part of the City Council's Affordable Housing review. Concerns focused on the maintenance of property by Section 8 residents and the concentration of Section 8 voucher holders in some Neighborhood Statistical Areas.
- Fair Housing Laws prevent the City from legislating where a voucher holder may chose to live.
- In September 2003, City Council approved CHA's recommendations to:
  - Strengthen the administration of the Section 8 Program
  - Increase the Housing Quality Standards
  - Increase landlord accountability in contracts
  - Increase resident accountability in lease agreements
  - Coordinate enforcement efforts
  - Provide training to residents on being good neighbors
- All of the recommendations with the exception of the Good Neighbors Relations Program were implemented by CHA. Neighborhood Development staff helped CHA develop the program, but it could not be implemented by

CHA due to the anticipated \$44,000 program cost. Also, Section 8 Program rules prohibit the requirement of residents to participate in the program.

### **Attachment 6**

Good Neighbors Relations Program: Proposed Training Module

## **16. FY2007 Budget Process and Calendar**

**Action: Approve the Budget Committee's recommended process for development of the FY2007 Strategic Operating Plan and the FY2007-2011 Capital Investment Plan.**

**Committee Chair:** Don Lochman

**Staff Resource:** Ruffin Hall, Budget and Evaluation

### **Explanation**

- The recommended FY2007 Budget Process and Calendar includes:
  - Three budget retreats from March through April from 3:00 p.m. to 6:00 p.m. (Ending at 5:30 p.m. on March 22nd).
  - Budget presentation on Monday, May 8<sup>th</sup> at 4:00 p.m.
  - Council adjustments to Manager's recommended budget on Wednesday, May 17<sup>th</sup> at 3:00 p.m.
  - Public hearing on the budget on Monday, May 22<sup>nd</sup> (including storm water rate)
  - Council straw votes on Wednesday, May 31<sup>st</sup>
  - Budget adoption on Monday, June 12<sup>th</sup>
  
- There are three items that influence the recommended calendar:
  - The second Budget Retreat on March 22<sup>nd</sup> will end at 5:30 pm due to the Metropolitan Transit Commission (MTC) meeting scheduled for 6:00 pm.
  - The N.C. League of Municipalities Town Hall Day is Wednesday, June 7<sup>th</sup>.
  - The Conference of Mayors meets June 2<sup>nd</sup> through June 6<sup>th</sup>.

### **Committee Discussion**

- The Budget Committee met on January 3, 2006 and unanimously (Lochman, Carter, Foxx and Mumford) recommended the attached budget calendar and process for 2006. Council member Turner was absent. The Committee recommendation included holding the straw votes meeting in Room 267 rather than televised in the Council chamber.
- The Committee recommended June 12, 2006 as the date for budget adoption.

### **Attachment 7**

Budget Calendar

## BUSINESS

### 17. Air Quality Standards Attainment Plan

**Action:** Direct vote of the City's Mecklenburg Union Metropolitan Planning Organization (MUMPO) representative regarding response to request by the North Carolina Division of Air Quality (NCDAQ).

**Staff Resource:** Norm Steinman, Transportation

#### Explanation

- The North Carolina Division of Air Quality (NCDAQ) is preparing the State Implementation Plan (SIP) that will describe how attainment of the National Ambient Air Quality Standards (NAAQS) will occur.
- The SIP will include an air quality modeling demonstration to show that the emissions control strategy of the SIP can solve the region's non-attainment problem by 2009.
- Staff from the three area Metropolitan Planning Organizations (Cabarrus-Rowan, Gaston Urban Area, and Mecklenburg-Union) and the two Rural Planning Organizations (Lake Norman and Rocky River) in the Charlotte nonattainment area may recommend to NCDAQ that a single motor vehicles emissions budget (MVEB) be established for the entire North Carolina portion of the Charlotte Region non attainment area, which includes Cabarrus, Gaston, Lincoln, Mecklenburg, Rowan, Union counties.
- Providing county-by-county information about population and employment growth may also be part of the recommendation.
- MUMPO will consider adoption of a resolution supporting this position for NCDAQ's consideration at its January 18, 2006 meeting.

### 18. Re-Naming of Stonewall Street to Dr. Martin Luther King, Jr. Boulevard

**Action:** Approve the re-naming of Stonewall Street, from South Mint Street to the I-277 Ramp at Independence and Kenilworth, to Dr. Martin Luther King, Jr. Boulevard.

**Staff Resource:** Doreen Szymanski, Transportation

#### Explanation

- At the January 3, 2006 Workshop, Council voted to add this item to the January 9<sup>th</sup> Business agenda.
- The Street Re-Naming policy provides for the re-naming of existing City streets.
- The entire length of Stonewall Street, from South Mint Street to the I-277 Ramp at Independence and Kenilworth, would be re-named Dr. Martin Luther King, Jr. Boulevard.

- Stonewall Street property owners will be notified of the proposed name change.
- The official re-naming would take place on Dr. Martin Luther King, Jr. Day, January 16th, 2006.
- A portion of Independence Boulevard has also been suggested for re-naming, but Stonewall Street would require fewer addresses to be changed.

## 19. Nominations to Boards and Commissions

**Action: Nominate citizens to serve as specified. Incumbents may be reappointed at this meeting.**

### A. AREA FUND BOARD OF DIRECTORS

Two Council members are to be appointed to serve on this committee. Once appointed, the Council members will select a citizen to serve as their representative. Terms begin immediately and will end December 2007.

#### **Attachment 8** Applications

### B. BUSINESS ADVISORY COMMITTEE

One appointment beginning immediately and ending April 2007. Johnnie Wallace has resigned. The Chamber of Commerce is required to make a recommendation for this seat. The Chamber recommends Karen Henning.

#### **Attachment 9** Applications

### C. BUSINESS EXPANSION FUNDING CORPORATION

One appointment beginning immediately and ending April 2007. Harold Brown has resigned. The nominee should be from the private lending category.

#### **Attachment 10** Applications

### D. FIREMEN'S RELIEF BOARD

One appointment beginning January 2006 and ending January 2008. Wendell Fant is eligible for reappointment, however is currently serving active duty in the military. Henry Donaghy is serving in Mr. Fant's seat until he returns from active duty. Mr. Donaghy is eligible for reappointment and wishes to serve again.

**Attachment 11**

Applications

**E. HISTORIC DISTRICT COMMISSION**

One appointment beginning immediately and ending June 2007. Tonya Brandon has resigned. Nominee must be a resident/owner in Wesley Heights.

**Attachment 12**

Applications

**F. KEEP CHARLOTTE BEAUTIFUL**

One appointment beginning immediately and ending June 2006, at which time they will begin serving a three year term. Teddi Daniels has resigned.

**Attachment 13**

Applications

**G. NEIGHBORHOOD MATCHING GRANTS**

One appointment beginning immediately and ending April 2006, at which time they will begin serving a two year term. Neely Renee Bell has missed three consecutive meetings. Nominee must be a neighborhood representative.

**Attachment 14**

Applications

**H. MAYOR'S INTERNATIONAL CABINET**

One, three year appointment beginning February 2006. Alan Gordon, representing the open category, is eligible and wishes to be reappointed.

One appointment beginning immediately and ending February 2006, at which time they will begin serving a three-year term. Pirjo Vihma, representing the ethnic organization category, resigned.

**Attachment 15**

Applications

**I. PRIVATIZATION/COMPETITION ADVISORY COMMITTEE**

Three appointments, each for two year terms beginning March 2006. Dwayne Campbell, David Cordes and Bonita Hairston are all eligible for reappointment. Each of the incumbents would like to serve another term.

**Attachment 16**

Applications

**J. SISTER CITIES COMMITTEE**

One appointment beginning immediately and ending April 2006 at which time they will begin serving a two year term. Lisa Magee has missed three consecutive meetings.

**Attachment 17**

Applications

**K. TRANSIT SERVICES ADVISORY COMMITTEE**

Two, three year appointments beginning February 2006. Linda Newton is eligible for reappointment and wishes to serve another term as a Neighborhood Organization Leader.

Gladys Taylor is eligible but does not wish to serve another term. Nominee must be a Suburban Employer served by Charlotte Transit.

**Attachment 18**

Applications

**L. ZONING BOARD OF ADJUSTMENT**

Three, three year appointments beginning January 2006. Jeffrey Davis is eligible for reappointment and would like to serve another term. Matthew Ginsburg and Crystal Jackson will be relocating and therefore, not eligible for reappointment.

**Attachment 19**

Applications

**20. Closed Session**

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

## **MAYOR AND COUNCIL TOPICS**

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

## Introduction to CONSENT

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

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

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

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

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

**Contractors and Consultants**

All contractor and consultant selections follow the Council approved process unless described otherwise.

## CONSENT I

### 21. Various Bids

#### A. Endhaven Lane Sidewalks

**EPM**

**Action**

Award the low bid of \$214,748.82 by Econ International of Charlotte, North Carolina. This project will construct new curb and gutter, sidewalks, drives and wheelchair ramps; utility adjustments; modular concrete retaining wall and asphalt paving along Endhaven Lane from Community House Road to Prince Edward Lane. Construction completion is scheduled for third quarter of 2006.

**Small Business Opportunity**

Established SBE Goal: 5%

Committed SBE Goal: 5.12%

Econ International met the goal established for this project by committing \$11,000 to the following SBE firm: Withers Trucking Company

**B. Storm Water Maintenance FY2006A** **EPM****Action:**

Award the low bid of \$1,117,770, to Showalter Construction Co. Inc. of Charlotte, North Carolina. This is an on-going program to provide maintenance repairs to existing storm drainage systems and construction of new drainage systems within the City limits where none exist. Individual projects are identified and prioritized based on severity of potential public/private property flooding. Storm Water Services Division uses 12 month retainer contracts to provide timely response to maintenance problems. The City Manager may renew this contract up to three times.

**Small Business Opportunity**

Established SBE Goal: 3%

Committed SBE Goal: 3.04%

Showalter Construction Company met the goal established for this project by committing \$34,000 to the following SBE firm: On Time Construction, Inc.

**C. Personal Protective Equipment** **Police****Action**

Award the low unit price bid total of \$228,691.65 by Safeco, Inc. of Greer, South Carolina, for the purchase of 4,500 protective suit ensembles and respirators for the Charlotte Mecklenburg Police Department and 54 law enforcement agencies in the eight county region for the term of one year. The City Manager may renew the contract for two additional one-year terms.

**Small Business Opportunity**

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

**D. Wilson Air Center Terminal Renovations** **Aviation****Action**

Award the low bid of \$124,250 by Camps Construction Company of Matthews, North Carolina for restroom renovations in the Fixed Base Operator terminal building. Wilson Air Center, the airport's Fixed Base Operator (FBO), began operations in early 2005 and has operated out of a temporary facility while the existing FBO terminal is undergoing renovations. This contract will provide construction and renovations to two restrooms totaling 1,000 square feet.

**Small Business Opportunity**

The project cost was estimated to be less than \$100,000, so an informal bid process was conducted and a SBE goal was not established. However, the low bidder, Camps Construction Company, is a certified SBE.

**E. South Corridor Infrastructure Program, Package F EPM****Action**

Award the low bid of \$2,797,282.27 by Sealand Contractors of Charlotte, North Carolina. This package consists of four projects; Woodlawn Road/South Boulevard Intersection Improvements, Woodlawn/Old Pineville Road Intersection Improvements, Woodlawn Road Bike Lanes, and Woodlawn Road Water Line upgrade. The work includes concrete sidewalks, curb and gutter, raised planters, asphalt pavement, water main installation, storm drainage, bike lanes and related construction. These projects were combined into a single construction package to reduce overall costs and provide improved construction traffic control. Construction completion is scheduled for second quarter of 2007

**Small Business Opportunity**

Established SBE Goal: 8%

Committed SBE Goal: 8.22%

Sealand complied with the mandatory outreach criteria and met the SBE goal. They have committed \$229,885 to the following certified SBE firms: Tarheel Masonry + Concrete Co., Inc., H & H Hauling, and On Time Construction, Inc.

**22. Refund of Property Taxes and Business Privilege Licenses**

- |  |
|--|
| <p><b>Action:</b></p> <p><b>A. Adopt a resolution authorizing the refund of property taxes assessed through clerical or assessor error in the amount of \$2,185.71, and</b></p> <p><b>B. Adopt a resolution authorizing the refund of business privilege license payments made in the amount of \$11,581.04.</b></p> |
|--|

**Attachment 20**

Resolutions

Lists of refunds

## CONSENT II

### 23. Workforce Investment Grant

**Action:** Adopt a budget ordinance appropriating \$1,212,347.33 of federal Workforce Investment Act grant funding, including \$775,000 for Hurricane Katrina assistance and carry forward grant funds for Workforce Development programs.

**Staff Resources:** Tom Flynn, Economic Development  
Deborah Gibson, Executive Director, Workforce Development Board

#### Explanation

- The Workforce Development Board received a federal grant in the amount of \$775,000 to assist Hurricane Katrina victims with job placement assistance.
- Workforce Investment Act funds available from FY06 grants and previous year carry forward funds in the amount of \$437,347.33 also need to be appropriated for programs in addition to the Katrina grant. This amount represents an adjustment of Workforce Investment Act grant awards in excess of estimates.
- The proposed programs to be funded from the total \$1,212,347.33 grant funds are:
  - In School Youth provides academic enrichment and workforce services to youth ages 14-16
  - Out of School Youth provides employment and training services to youth ages 17-21
  - Incentive Grant provides technical assistance and staff development for Workforce Development Board and Job Link Career Centers
  - Adult Grant provides employment, training, childcare, and transportation to individuals 18 and over who are US citizens or eligible non-citizens

#### Funding

Workforce Investment Grants

#### Attachment 21

Budget Ordinance

### 24. Heater Utilities Sewer Services Agreement

**Action:** Approve an agreement for \$12,600 with Heater Utilities for the provision of sewer services to serve seven parcels along Woodward Street.

**Staff Resource:** Doug Bean, Charlotte-Mecklenburg Utilities

**Project Explanation**

- Woodward Street was annexed into the City in 2005.
- Woodward Street is located off the 5000 block of Rocky River Road, west of I-485 in northeastern Mecklenburg County.
- Seven parcels along Woodward fall into a separate drainage basin from the rest of the 2005 annexation area.
- Due to the terrain in this area sloping to Cabarrus County, sewer service must be provided by either a temporary pump station or through an agreement with a private utility, Heater Utilities, operating a small treatment plant in the basin.
- Staff determined that entering into an agreement with Heater Utilities, until gravity service is constructed in the basin under an existing agreement with Cabarrus County, is the least expensive solution.
- Heater Utilities will reserve capacity in its treatment plant at the rate of \$1,800 per lot, which totals \$12,600.
- All sewer generated from these seven parcels will be collected and treated by Heater Utilities.
- Reserving capacity in Heater's facility satisfies the NC annexation sewer provision for residents along this stretch of Woodward Street.
- Approval of this action authorizes the Charlotte-Mecklenburg Utilities Key Business Executive to sign this agreement on behalf of the City of Charlotte.

**Funding**

Sewer Capital Investment Plan

**25. Police Helicopter Night Vision System**

- Action:**
- A. Approve the purchase of video observation equipment and installation without competitive bidding, as authorized by the sole source exemption of G.S. 143-129(f), and**
  - B. Approve a contract with Aviation Specialties Unlimited for providing a night vision system installation and training in an amount not to exceed \$145,000.**

**Staff Resources:** Benton Herring, Charlotte-Mecklenburg Police  
Daniel Edes, Business Support Services

**Sole Source Exception**

- G.S. 143-129 (f) provides that formal bidding requirements do not apply when:
  1. performance or price competition are not available;
  2. a needed product is available from only one source of supply; or
  3. standardization or compatibility is the overriding consideration.
- The City Council must approve purchases made under the sole source exception.

- Aviation Specialties Unlimited, Inc. is the sole source authorized national dealer for the FAA-approved ITT Model F4949, AN/AVS-9 systems and FAA Part 135 NVG Training as well as FAA Part 145 testing and repair of night vision goggles.

#### **Explanation**

- Installation of ITT model F4949 AN/AVS-9 Pinnacle aviator night vision system will maximize the CMPD helicopter unit's nighttime operations capability by permitting safe flights in dark areas if there is an absence of adequate illumination or if the horizon is not easily distinguishable. The night vision equipment will also enhance the productivity and the safety of ground officers by allowing the aircrew to observe activity on the ground and to monitor alleys and rooftops.
- ITT will provide FAA approved night vision goggle pilot training on site instead of sending pilots out of state for the necessary training which will save approximately \$10,000.
- ITT will provide FAA approved cockpit modification for the BHT 407 aircraft.
- The current night vision acuity is 20/200, whereas use of the NVG could result in up to 20/25 in night vision acuity.
- Staff recommends ITT night vision equipment based on:
  - review of night vision technology
  - surveys of other law enforcement departments and military users
  - flight crew demonstrations

#### **Small Business Opportunity**

Pursuant to Section 5 of the SBO Program, no SBO utilization goal was set for this contract because this is a sole source purchase.

#### **Funding**

Homeland Security Grant

## **26. Self-Contained Breathing Apparatus Upgrade**

- Action:**
- A. Approve the purchase of self-contained breathing apparatus components, as authorized by the sole source exception of GS 143-129 (f), and**
  - B. Approve a contract with Scott Health and Safety for \$498,340 to purchase the components which update the Fire Department's self-contained breathing apparatus to provide Chemical /Biological /Radiological/Nuclear (CBRN) protection.**

**Staff Resource:** David Duffy, Fire

**Sole Source Exception**

- G.S. 143-129 (f) provides that formal bidding requirements do not apply when:
  1. performance or price competition are not available;
  2. a needed product is available from only one source of supply; or
  3. standardization or compatibility is the overriding consideration.
- Sole source is necessary because no other manufacturer's components will fit the Fire Department's units.
- The City Council must approve purchases made under the sole source exception.

**Explanation**

- The self-contained breathing apparatus (SCBA) technology has advanced and the model the Fire Department has is no longer manufactured.
- This upgrade will replace the regulator and mask, allowing the units to meet current National Fire Protection Association (NFPA) standards and provide CBRN protection, which was not available when the Fire Department's units were originally manufactured.
- The upgrade is about half the cost of new units and will extend their usable life. The goal is to keep the current SCBA in service until the NFPA standard for SCBA is updated in 2011, which is beyond the normal ten year life of SCBA.

**Small Business Opportunity**

Pursuant to Section 2.21 of the SBO Program, no SBO utilization goal was set for this contract because this is a sole source purchase.

**Funding**

The United States Fire Administration awarded the Charlotte Fire Department a grant to purchase this upgrade and additional turnout gear. Council approved acceptance of this grant and appropriation of the funds on April 25, 2005. The grant provides 80% of the cost. The City's 20% will be paid from the Capital Equipment Fund.

**27. Mobile ALERT Command Center**

**Action:** Approve the conveyance of a Mobile ALERT Command Center to the Mecklenburg County Sheriff's Office for use in disaster and incident situations.

**Staff Resources:** Wayne Broome, Emergency Management

**Explanation**

- At the March 28, 2005 meeting, City Council approved the purchase of a Mobile ALERT Command Center for the Mecklenburg County Sheriff's Office to serve multiple uses such as disaster/incident transport and command, evidence processing and mobile operation center for events such as concerts,

hostage situations, etc. This unit is awaiting delivery and can be brought into service once conveyance to the Sheriff's Office is authorized.

- This action conveys the Mobile Command Center to the Mecklenburg County Sheriff's Office as designated under the 2003 Homeland Security Grant.
- The City is the administrating agent for the grant. Thus, the City initiates purchases and then conveys equipment to other agencies.

## 28. Electronic Auction for Disposal of Equipment

**Action: Adopt a resolution declaring specific vehicles and other miscellaneous items as surplus and authorize them for sale by electronic auction on February 1, 2006 through February 22, 2006.**

**Staff Resource:** Susan Johnson, Business Support Services

### Explanation

- Pursuant to North Carolina G.S. 160A-270(c), the resolution allows an electronic auction as follows:
  - Beginning on February 1, 2006 at 10:00 a.m. through February 22, 2006 at 4:00 p.m. to dispose of designated City owned property declared as surplus using GovDeals electronic auction services (see attached).
  - Three electronic auctions will be held for a period of seven days each. At least two of the auctions will include surplus items from the sale of the Coliseum at 100 Paul Buck Boulevard that were not reallocated to other Charlotte Regional Visitors Authority buildings and were not affixed to the building.
  - The City Manager signed a contract with GovDeals.com on July 25, 2005 for disposal of surplus items utilizing the electronic auction method. This company was selected to provide electronic auction services for the City along with our contract auction company, Rogers Realty and Auction Company. GovDeals website can only be utilized by governmental entities and is the largest website providing this service.
- GovDeals will be compensated for the sale through auction proceeds, receiving 7.50% of the total gross sale price.

### Attachment 22

Resolution

List of property to be declared as surplus

## 29. Property Transactions

**Action:** Approve the following property acquisitions (A-D) and adopt the condemnation resolutions (E-M).

For property transactions C & D, H-M, the purchase price was determined by an independent appraiser and was reviewed by a second appraiser. Each appraisal takes into consideration the specific quality and quantity of the land. The tax value is determined on a more generic basis and will be higher or lower for land/improvements with certain attributes. Property is acquired in accordance with Federal Guidelines 49 CFR Part 24 of the Uniform Acquisition and Relocation Act of 1970. Acquisition costs are eligible for North Carolina Department of Transportation and Federal Transit Administration reimbursement.

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

### Acquisitions

- A. Project:** Cindy Lane Extension, Parcel #10  
**Owner(s):** Fong Yang (A/K/A Frong Yang) And Wife, Soua Yang  
**Property Address:** Elaine Avenue  
**Property to be acquired:** 18,992.16 sq. ft. (.436 ac.) in Fee Simple  
**Improvements:** None  
**Landscaping:** None  
**Purchase Price:** \$20,400  
**Remarks:** Compensation was established by an independent, certified appraisal and appraisal review.  
**Zoned:** R-4  
**Use:** Single Family Residential  
**Tax Code:** 045-291-10  
**Total Parcel Tax Value:** \$20,400
- B. Project:** South Corridor Infrastructure Project: Old Pineville Road North (Exmore - South), Parcel #304  
**Owner(s):** Mitch Baker And Any Other Parties of Interest  
**Property Address:** 4515 Old Pineville Road  
**Property to be acquired:** 2,179 sq. ft. (.050 ac.) in Storm Drainage Easement, plus 8,510 sq. ft. (.195 ac.) in Utility Easement, plus 7,119 sq. ft. (.163 ac.) in Temporary Construction Easement  
**Improvements:** None  
**Landscaping:** None  
**Purchase Price:** \$25,720  
**Remarks:** Compensation was established by independent, certified appraisals in the area.  
**Zoned:** I-2

**Use:** Industrial  
**Tax Code:** 149-073-01  
**Total Parcel Tax Value:** \$164,300

- C. Project:** South Corridor Light Rail, Parcel #306  
**Owner(s):** Tracks, LLC  
**Property Address:** 101 East New Bern Street  
**Property to be acquired:** 215 sq. ft. (.005 ac.) in Permanent Easement for Retaining Wall Footing, plus 7,758 sq. ft. (.178 ac.) in Temporary Construction Easement  
**Improvements:** None  
**Landscaping:** None  
**Purchase Price:** \$10,875  
**Remarks:** Compensation was established by an independent, certified appraisal and appraisal review.  
**Zoned:** I-2  
**Use:** Industrial  
**Tax Code:** 147-021-20  
**Total Parcel Tax Value:** \$1,022,800
- D. Project:** South Corridor Light Rail, Parcel #386  
**Owner(s):** General Steel Drum Corporation  
**Property Address:** 4500 South Boulevard  
**Property to be acquired:** 7,622 sq. ft. (.175 ac.) in Fee Simple, plus 4,743 sq. ft. (.109 ac.) in Existing Right-Of-Way, plus 554 sq. ft. (.013 ac.) in Permanent Railway Easement, plus 3,230 sq. ft. (.074 ac.) in Temporary Construction Easement  
**Improvements:** None  
**Landscaping:** None  
**Purchase Price:** \$50,675  
**Remarks:** Compensation was established by two independent, certified appraisals and an appraisal review.  
**Zoned:** I-2  
**Use:** Commercial  
**Tax Code:** 149-073-12  
**Total Parcel Tax Value:** \$2,291,600

## Condemnations

- E. Project:** Pennsylvania Avenue 200, Parcel #1  
**Owner(s):** B C Bonding Company And Any Other Parties Of Interest  
**Property Address:** 538 Pennsylvania Avenue  
**Property to be acquired:** Total Combined Area of 13,673 sq. ft. (.314 ac.) of Sanitary Sewer Easement, plus Storm Drainage Easement, plus Temporary Construction Easement  
**Improvements:** None  
**Landscaping:** None

**Purchase Price:** \$200

**Remarks:** Compensation was established by an independent, certified appraisal and an appraisal review. City staff has yet to reach a negotiated settlement with the property owner.

**Zoned:** R-4

**Use:** Industrial

**Tax Code:** 069-071-24

**Total Parcel Tax Value:** \$65,700

**F. Project:** South Corridor Infrastructure Project: Archdale Package, Parcel #24

**Owner(s):** Eastbourne Investments, Ltd And Any Other Parties Of Interest

**Property Address:** 5801 South Boulevard

**Property to be acquired:** Total Combined Area of 57,466 sq. ft. (1.319 ac.) of Sidewalk and Utility Easement, plus Permanent Bus Shelter Easement, plus Temporary Construction Easement

**Improvements:** None

**Landscaping:** None

**Purchase Price:** \$142,625

**Remarks:** Compensation was established by an independent, certified appraisal and an appraisal review. City staff has yet to reach a negotiated settlement with the property owner.

**Zoned:** B-1S(CD)

**Use:** Commercial

**Tax Code:** 173-012-01

**Total Parcel Tax Value:** \$4,242,700

**G. Project:** West Morehead Streetscape, Parcel #9

**Owner(s):** Joey Palmer And Ann Pierpont (Tenants In Common) And Any Other Parties Of Interest

**Property Address:** 1227 West Morehead Street

**Property to be acquired:** Total Combined Area of 487 sq. ft. (.011 ac.) of Sidewalk and Utility Easement, plus Temporary Construction Easement

**Improvements:** None

**Landscaping:** None

**Purchase Price:** \$1,975

**Remarks:** Compensation was established by an independent, certified appraisal and an appraisal review. City staff has yet to reach a negotiated settlement with the property owner.

**Zoned:** MUDD-O

**Use:** Commercial

**Tax Code:** 073-254-04

**Total Parcel Tax Value:** \$82,500

**H. Project:** South Corridor Light Rail, Parcel #320

**Owner(s):** Vernon W. Simpson And Wife, Maggie M. Simpson And Any Other Parties Of Interest

**Property Address:** 213 East Palmer Street  
**Property to be acquired:** Total Combined Area of 5,854 sq. ft. (.134 ac.) of Fee Simple, plus Existing Right-Of-Way  
**Improvements:** None  
**Landscaping:** None  
**Purchase Price:** \$26,125  
**Remarks:** Compensation was established by an independent, certified appraisal and an appraisal review. City staff has yet to reach a negotiated settlement with the property owner.  
**Zoned:** I-2  
**Use:** Commercial  
**Tax Code:** 123-015-01  
**Total Parcel Tax Value:** \$24,300

- I. Project:** South Corridor Light Rail, Parcel #331  
**Owner(s):** North Carolina Railroad Company And Any Other Parties Of Interest  
**Property Address:** East 3rd Street  
**Property to be acquired:** Total Combined Area of 4,587 sq. ft. (.105 ac.) of Slope Easement, plus Temporary Construction Easement  
**Improvements:** None  
**Landscaping:** None  
**Purchase Price:** \$133,250  
**Remarks:** Compensation was established by an independent, certified appraisal and an appraisal review. City staff has yet to reach a negotiated settlement with the property owner.  
**Zoned:** UMUD  
**Use:** Commercial  
**Tax Code:** 125-014-07  
**Total Parcel Tax Value:** \$836,300
- J. Project:** South Corridor Light Rail, Parcel #335  
**Owner(s):** North Carolina Railroad Company And Any Other Parties Of Interest  
**Property Address:** 300 South Brevard Street  
**Property to be acquired:** Total Combined Area of 3,542 sq. ft. (.081 ac.) of Slope Easement, plus Temporary Construction Easement  
**Improvements:** None  
**Landscaping:** None  
**Purchase Price:** \$123,900  
**Remarks:** Compensation was established by an independent, certified appraisal and an appraisal review. City staff has yet to reach a negotiated settlement with the property owner.  
**Zoned:** UMUD  
**Use:** Commercial  
**Tax Code:** 125-061-05

---

**Total Parcel Tax Value:** \$1,942,000

- K. Project:** South Corridor Light Rail, Parcel #337  
**Owner(s):** North Carolina Railroad Company And Any Other Parties Of Interest  
**Property Address:** East 2nd Street  
**Property to be acquired:** Total Combined Area of 890 sq. ft. (.020 ac.) of Slope Easement  
**Improvements:** None  
**Landscaping:** None  
**Purchase Price:** \$46,725  
**Remarks:** Compensation was established by an independent, certified appraisal and an appraisal review. City staff has yet to reach a negotiated settlement with the property owner.  
**Zoned:** UMUD  
**Use:** Commercial  
**Tax Code:** 125-061-07  
**Total Parcel Tax Value:** \$623,800
- L. Project:** South Corridor Light Rail, Parcel #339  
**Owner(s):** North Carolina Railroad And Hilton Charlotte, Inc. And Any Other Parties Of Interest  
**Property Address:** East 3rd Street  
**Property to be acquired:** Total Combined Area of 331 sq. ft. (.008 ac.) of Slope Easement, plus Temporary Construction Easement  
**Improvements:** None  
**Landscaping:** None  
**Purchase Price:** \$13,025  
**Remarks:** Compensation was established by an independent, certified appraisal and an appraisal review. City staff has yet to reach a negotiated settlement with the property owner.  
**Zoned:** UMUD  
**Use:** Commercial  
**Tax Code:** 125-061-11  
**Total Parcel Tax Value:** \$491,400
- M. Project:** South Corridor Light Rail, Parcel #341  
**Owner(s):** North Carolina Railroad Company And Any Other Parties Of Interest  
**Property Address:** East 3rd Street  
**Property to be acquired:** Total Combined Area of 4,780 sq. ft. (.110 ac.) of Slope Easement, plus Temporary Construction Easement  
**Improvements:** None  
**Landscaping:** None  
**Purchase Price:** \$237,850  
**Remarks:** Compensation was established by an independent,

certified appraisal and an appraisal review. City staff has yet to reach a negotiated settlement with the property owner.

**Zoned:** UMUD

**Use:** Commercial

**Tax Code:** 125-061-12

**Total Parcel Tax Value:** \$371,130

### **30. Meeting Minutes**

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

- November 14, 2005 Business Meeting
- November 28, 2005 Business Meeting
- December 5, 2005 Organizational Meeting
- December 12, 2005 Business Meeting
- December 14, 2006 Council Retreat