

Mayor Patrick McCrory

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

Mayor Pro Tem Patrick De'Angelo Cannon

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

CITY COUNCIL MEETING

Monday, July 28, 2003

5:00 p.m.

Conference Center

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

6:30 p.m.

Meeting Chamber

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

7:00 p.m.

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

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5:00 P.M. DINNER BRIEFING CONFERENCE CENTER

1. Update on Planning Director Search

Resources: Pam Syfert, City Manager
Curt Walton, City Manager's Office

Time: 15 minutes

Synopsis of Presentation:

The City Manager will update the Mayor and City Council on discussions about the Planning Director recruitment held with the County Manager and the Chair of the Planning Commission. The Mayor and Council may raise at that time any question or concerns they have about the recruitment process.

The first formal action to begin that process is to confirm the Mayor's appointment to the Planning Director Recruitment Committee. This action is on the July 28, 2003 Business meeting agenda.

Future Action:

- Approval of the recruitment process following all appointments to the Recruitment Committee.

Attachment 1

June 6, 2003 memorandum outlining the recruitment process from the City Manager to the Mayor and City Council

2. Charlotte Arena Project Update

Resources: Jim Schumacher, Engineering & Property Management
Doug Brown, Ellerbe Becket

Time: 30 minutes

Synopsis of Presentation:

- Update on the Arena design (Doug Brown)
- Video animation of the exterior of the Arena (Doug Brown)
- Update on the construction progress (Jim Schumacher)

Actions:

- Award of the construction testing and inspection contracts on July 28, 2003
- Approve a Resolution for the approximately \$140 million financing package on July 28, 2003
- Public hearing for the intent of abandoning alleys and rights-of-

way on Arena site on July 28, 2003

3. Hospitality and Tourism Industry Study Parameters

Time: 20 minutes

Resource: Ron Kimble, City Manager's Office

Synopsis of Presentation:

Present observations, goals, issues, and timeframe pertaining to hospitality and tourism industry study in response to Mayor and Council request.

Discuss possible options for structuring convention and leisure tourism sales and marketing, Visit Charlotte and Authority Board composition, and Marketing Advisory Committee

Future Action:

- Receive input/feedback of options with stakeholder agencies and other industry partners (August)
- Present preferred option(s) to Council (September)
- Refer to Council Committee (ED/Planning or Restructuring Government) for recommendations (September)
- Council action on preferred option(s) (October)

4. Agreement with Charlotte Whitewater, Inc.

Resource: Mujeeb Shah-Khan, City Attorney's Office
Ruffin Hall, Budget & Evaluation

Time: 15 minutes

Synopsis of Presentation:

Council approved \$2 million in FY2007 in the FY2004-2008 Capital Investment Program on June 23, 2003. Staff from Budget and Evaluation and the City Attorney's Office has been negotiating with Charlotte Whitewater, Inc. on the details of an agreement. After conducting preliminary negotiations, staff needs additional clarification from the Council on several contract terms. The presentation will review the financial proposal from Charlotte Whitewater, Inc., list the current issues regarding the agreement, and recommend referral to the Economic Development and Planning Committee for discussion and recommendations.

Action:

Refer an agreement with Charlotte Whitewater, Inc. to Economic Development and Planning Committee.

5. Committee Reports by Exception

Economic Development & Planning: Disposition of Arena-Related Land; Business Investment Program

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

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

CONSENT

- 6. Consent agenda items 30 through 82 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

7. Public Hearing and Resolution to Close a Portion of the Corner of Selwyn Avenue and Queens Road

Action: A. Conduct a public hearing to close a portion of the corner of Selwyn Avenue and Queens Road, 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 Council action in accordance with the statute.

Petitioner:

Myers Park Baptist Church/Richard Butler

Right-of-Way to be abandoned:

A portion of the corner of Selwyn Avenue and Queens Road

Location:

Located within the Myers Park community beginning 50 feet from the corner radius of Selwyn Avenue and Queens Road intersection continuing approximately 56 feet south towards the front entrance of the church to its terminus.

Reason:

To incorporate the right-of-way into adjacent property owned by the petitioner for the construction of a new Myers Park Baptist Church entranceway sign.

Notification:

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

Adjoining property owners – None

Neighborhood/Business Associations

Dilworth Community Development Association – No objections
 Wendover Hills, HOA – No objections
 Eastover Resident’s Association – No objections
 Myers Park HOA, Inc. – No objections

Private Utility Companies – No objections

City Departments –

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

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

Attachment 2

Map

8. Public Hearing and Resolution to Close a Portion of Blakeney Heath Road

Action: A. Conduct a public hearing to close a portion of Blakeney Heath Road, 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 Council action in accordance with the statute.

Petitioner:

Blakeney Heath Limited Partnership, LLC/William Gartland

Right-of-Way to be abandoned:

A portion of Blakeney Heath Road.

Location:

Located within the Lower Providence community beginning from the southeastern property line of lot #114 continuing approximately 1,140 feet to its terminus.

Reason:

To incorporate the right-of-way into adjacent property owned by the petitioner for the realignment of existing Blakeney Heath Road in order to extend new Blakeney Heath Road to the proposed east-west circumferential that will extend and intersect with Ardrey Kell Road to be constructed by NCDOT.

Notification:

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

Adjoining property owners – None

Neighborhood/Business Associations

Lower Providence Community Association – No objections

Private Utility Companies - No objections

City Departments –

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

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

Attachment 3

Map

9. Public Hearing and Resolution to Close Portions of N. Brevard Street, E. 5th Street and Four Alleyways Bounded by N. Caldwell Street, E. Trade Street, E. 5th Street and City Rail Corridor

Action: A. Conduct a public hearing to close portions of N. Brevard Street, E. 5th Street and four alleyways bounded by N. Caldwell Street, E. Trade Street, E. 5th Street and City rail corridor, 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 Council action in accordance with the statute.

Petitioner:

City of Charlotte

Right-of-Way to be abandoned:

Portions of N. Brevard Street, E. 5th Street and four alleyways bounded by N. Caldwell Street, E. Trade Street, E. 5th Street and City Rail Corridor.

Location:

Located within the Uptown area

North Brevard Street: Beginning from East Trade Street continuing approximately 340 feet northeastwardly to its terminus at the newly relocated Fifth Street.

East Fifth Street: Beginning from the east side of newly relocated Fifth Street continuing approximately 398 feet northwestwardly to its terminus at the west side of the newly relocated Fifth Street.

Alleyways: Located within the Arena footprint and bounded by East Fifth Street, North Caldwell Street, East Trade Street and City Rail Corridor.

Reason:

To incorporate the right-of-way into adjacent property owned by the City for the construction of the new Charlotte Arena. This project was approved by Council on January 13, 2003.

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

Belk Incorporated – No objections

Neighborhood/Business Associations

Center City Partners – No objections

Cherry Community Organization – No objections

Dilworth Community Development Association – No objections

Eastover Resident's Association – No objections

Elizabeth Community Association – No objections

Myers Park HOA, Inc. – No objections

Sedgefield HOA – No objections

Sedgefield Neighborhood Association – No objections

Private Utility Companies No objections. All affected utilities have been relocated in a joint venture duct bank system.

City Departments –

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

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

Attachment 4

Map

10. Public Hearing and Resolution to Close a Portion of Perrin Place

Action: A. Conduct a public hearing to close a portion of Perrin Place, 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 Council action in accordance with the statute.

Background:

For years Perrin Place, which runs off Providence Road, has ended at the Eastover Elementary School parking lot. Drivers on Perrin Place who needed to turn around have done so in the school's parking lot.

During the planning for renovation/expansion of the school several years ago, Charlotte-Mecklenburg Schools (CMS) realized that a portion of the Perrin Place right-of-way extended into the school's parking lot and would affect their ability to obtain building permits for planned facility improvements. CMS submitted a petition to abandon this right-of-way in May 2000. The Charlotte Department of Transportation (CDOT) returned petition review comments to CMS in July 2000 for them to address prior to setting a public hearing. CMS did not respond to the review comments and no further action was taken on the petition.

A building permit was issued to CMS in December 2002 for the facility renovation/expansion, with an assumption that the abandonment of the right-of-way had taken place. An Eastover neighborhood resident, Mr. James R. Johnson, Jr. brought this issue to the attention of City and County permitting officials in January 2003. County Zoning issued CMS a notice of zoning violation in February 2003. The notice directed CMS to either apply for the necessary building setback variances through the Zoning Board of Adjustment or proceed with the abandonment of this portion of Perrin Place to remedy the violation of encroachment into the setback. If these actions proved unsuccessful, then the Zoning Administrator would revoke the certificate of occupancy.

In March 2003, CMS committed to reinitiate the petition process and not commence construction of improvements at Eastover Elementary School until this issue is resolved. At this time, CDOT restarted the petition review process. All comments have been addressed to the City's satisfaction. These items include an easement through the school's parking lot for unencumbered public access for use as a turn around. Additionally, the easement provides for all utilities to continue to maintain their existing facilities. This essentially formalizes the use of the school's parking lot that the public has enjoyed over the years.

Mr. Johnson is not in support of the abandonment because he believes that CMS should be required to build a cul-de-sac for an appropriate turn around rather than provide an easement. Other than through the subdivision process, the City cannot require additional right-of-way dedication and construction of a cul-de-sac. The work that CMS is doing does not require subdivision approval.

Petitioner:

The Charlotte-Mecklenburg Board of Education/Kevin Bringewatt

Right-of-Way to be abandoned:

A portion of Perrin Place

Location:

Located within the Eastover neighborhood beginning 1,450 feet from the intersection of Providence Road and Perrin Place continuing approximately 104 feet eastwardly to its terminus.

Reason:

To incorporate the right-of-way into adjacent property owned by the Charlotte-Mecklenburg Board of Education to facilitate a building renovation project. This unimproved right-of-way has always extended into the original parking lot for Eastover Elementary School and appears as part of the school's property.

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

Perrin Place III Townhouse Association – No objections

Neighborhood/Business Associations

Eastover Resident's Association – No objections

Myers Park HOA, Inc. – No objections

Grier Heights Community Improvement Organization – No objections

Cherry Community Organization – No objections

Elizabeth Community Association – No objections

Dilworth Community Development Association – No objections

Private Utility Companies - No objections. Easements are provided to utility companies to maintain their existing facilities as requested.

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 5

Map

11. Public Hearing on Ordinance Prohibiting Parking in Front Yards

Action: Conduct a public hearing to receive comments on the proposed amendment to Chapter 14 of the Charlotte City Code entitled "Motor Vehicles and Traffic".

Staff Resource: Toni Tupponce, Neighborhood Development

Policy:

The Communities Within A City Focus Area emphasizes the City's commitment to be responsive to the unique needs that each geographic area presents. The City is committed to maintaining and improving the safety, physical and economic conditions in all neighborhoods; paying particular attention to the City's threatened and fragile neighborhoods; and creating a framework for long-term neighborhood health and stability.

Explanation:

The amended ordinance would prohibit parking vehicles in the front of single-family detached or duplex dwellings except on completely improved driveways or parking pads. The ordinance would also permit police officers and code enforcement inspectors to impose \$25 fines on violators with ultimate enforcement through towing of vehicles if fines are not paid.

During the Neighborhood Summit in November 2001, Charlotte neighborhood leaders approached staff about concerns over the issue of residents parking cars on front lawns. Neighborhood leaders indicated that the practice of parking vehicles on lawns creates a sense of disorder in neighborhoods and contributes to the erosion of property values. They indicated that eliminating the problem would improve both the aesthetic quality of life in their neighborhoods and help them be recognized as model neighborhoods.

Community Input:

Approximately twenty residents representing multiple neighborhoods from across Charlotte participated in discussion groups to frame the issue and review staff work on the ordinance revision. All participants of the 2001 Neighborhood Summit and the two subsequent Neighborhood Symposiums were notified about the proposed amendment change.

Public hearing notices to receive input on the proposed amendment change were sent to the media and the leadership of all neighborhood organizations registered with the Charlotte-Mecklenburg Planning Commission.

Council was briefed on this topic at the June 23, 2003 Dinner Briefing.

Attachment 6

List of neighborhood representatives that participated in the review process
Process Summary Chronology

12. Public Hearing on Third Ward Vision Plan

Action: Receive public comment on the Third Ward Neighborhood Vision Plan to get public comment as recommended by the Economic Development and Planning Committee.

Committee Chair: Lynn Wheeler

Staff Resource: Dan Thilo, Planning

Explanation:

On January 24, 2003 Council approved a Memorandum of Understanding and associated agreement with Mecklenburg County to undertake a Vision Plan for the Third Ward area. \$50,000 in City funding was approved

contingent on the County funding \$118,080 of the \$168,080. Based on the recommendation of the Center City 2010 Vision Plan and with the City of Charlotte's participation, Mecklenburg County contracted with Civitas, a nationally known landscape architecture and urban design firm, to prepare a vision plan for the Third Ward Neighborhood area.

The Vision Plan will aid elected officials in making future land use and urban design decisions in the Third Ward Neighborhood area. It contains three development/park options that are market responsive. The consultant team took this economic approach to ensure the park and neighborhood's development patterns enhance each other. Two options "grow" development off Tryon Street and Trade Street toward the park. The third scenario uses existing County-owned land and emphasizes growth around it.

Community Input:

The plan has been developed from input received from:

- five public workshops,
- five task force meetings,
- presentations to the Central Parks Advisory Council Two and Charlotte Center City Partners,
- three technical committee meetings, four advisory committee meetings,
- numerous meetings with adjacent property owners and stakeholders.

In addition, several updates have been made to Council, Mecklenburg Board of County Commissioners, and the Charlotte-Mecklenburg Planning Commission's Planning Committee.

Over 1,000 postcards of the public hearing were sent to residents, property owners, and other stakeholders.

Committee Discussion:

On July 15, 2003 the Charlotte-Mecklenburg Planning Committee voted unanimously (7-0) to recommend adoption of the plan as presented.

On July 16, 2003 the Economic Development & Planning Committee voted unanimously to recommend that Council hold a public hearing on the Third Ward Neighborhood Vision Plan. Council members Wheeler, Graham, Carter and Cannon were present.

Next Steps:

The plan will go back to the Economic Development and Planning Committee on August 20, 2003 for their recommendation. With Economic Development & Planning's recommendation, the plan will be forwarded to Council on August 25, 2003 for final adoption. On September 3, 2003 the Mecklenburg Board of County Commissioners will be asked to adopt the vision plan.

Attachment 7

Draft Plan of the Third Ward Neighborhood Vision Plan

POLICY

13. City Manager's Report

14. Disposition of Arena-Related Land



Action: Approve the recommendations of the Economic Development and Planning Committee relative to disposition of arena-related land.

Committee Chair: Lynn Wheeler

Staff Resources: Curt Walton, City Manager's Office
John Palmieri, Economic Development
Kent Winslow, Engineering and Property Management

Explanation:

There are five properties available that impact either redevelopment around the arena or the arena-financing model. The first four are within the acreage purchased for the new arena. The fifth is land adjoining the existing Coliseum, at the corner of Tyvola and Yorkmont Roads, and is in addition to the approximately 153 acre tract on which the Charlotte Coliseum sits.

Property Descriptions:

Property	Location	Size	Approx. Amt. Paid
1. Optional Land A. Belk/Lorick	5th/Brevard/rail line	1.3 acres	\$5 million
B. Allright	6th/Brevard/rail line	0.7 acres	\$2 million
2. Belk Remnant	5 th /Caldwell	0.47 acres	\$1 million
3. Kimbrell's	Trade/Caldwell	0.33 acres	\$2 million
4. 2 Coliseum Tract Ground Leases (99 year leases signed in 1989 and 1994 with JP Morgan)	Tyvola/Yorkmont	15 acres	Acquired prior to 1920; exact purchase price unknown

Restrictions on the Sale of the Properties:

There are restrictions on the sale of two of these properties:

1. If the City sells the property purchased from Allright Parking (labeled as parcel 1B below) within 5 years of the December 30, 2002 closing, or if the property is not used for arena purposes, then Allright has the right to re-

- purchase the property at the original price. Arena purposes are those improvements required for and related to "the operation or use of the arena including public walkways, streets, driveways, bus or truck storage or staging areas, plazas and/or other public areas; however it will not include areas used for the parking of passenger vehicles for a fee, whether monthly, daily or hourly or areas used by employees, ticket holders or other patrons of the arena for parking".
- The ground leases signed with J. P. Morgan on the Coliseum tract give J. P. Morgan the right of first refusal to purchase the property at the highest value offered.

Committee Disposition Recommendations:

The location of the first four properties near the new arena is shown in figure 1.

The Economic Development and Planning Committee’s recommendations relative to the disposition of these four properties are as follows:

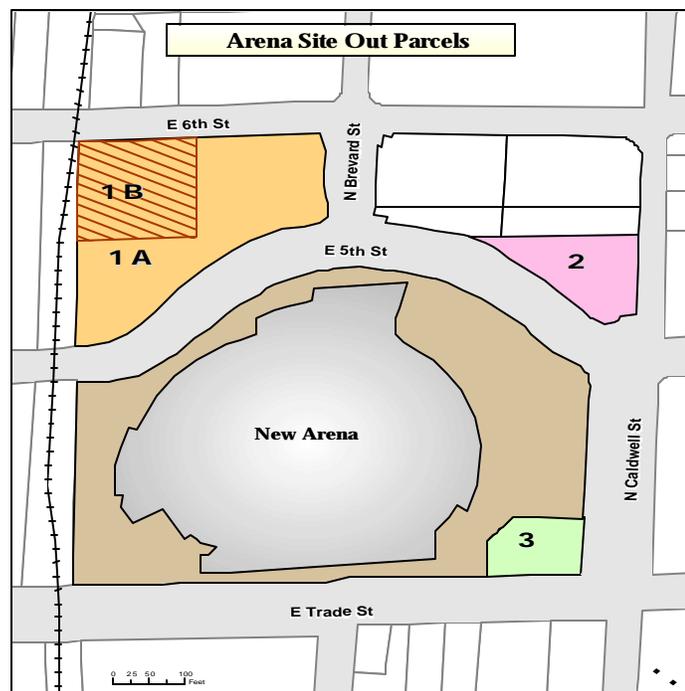
Properties 1A & 1B
(5th, 6th/Brevard)

- Consider 1A and 1B as a single parcel; do not sell separately
- Negotiate now to remove restrictions from 1B
- Conduct market research by the second half of 2004
- Market the site in first half of 2005
- Make disposition decision in second half of 2005
- Develop process in 2006 with closing in late 2007; the timeline may be accelerated if Allright restrictions are removed
- Earmark proceeds for tourist-related expenditures, including White Water Park

Property 2
(5th/Caldwell)

- Declare property as surplus
- Begin private sale in early 2004 (following closing on Parcel 3 below)
- Reserve proceeds until \$50 million agreement with corporate underwriters is satisfied (which is no later than December 31, 2005)

Figure 1



Property 3
(Trade/Caldwell)

- Declare parcel as surplus
- Sell land through private sale process
- Authorize the City Manager to develop and issue a Request for Qualifications (RFQ) to guide the sale process with the following components:
 - Fixed price of \$1.7 million for the land
 - Retail requirement on the first floor
 - CATS to have the option to purchase undivided interest of up to four floors as headquarters building (approximately 58,000 square feet)
 - Design of the building to be complementary to the new arena
 - Adherence to schedule which design and constructs the building on a timeline similar to the new arena
 - City has right of first refusal to purchase the property in the future in the event the building is to be sold
 - Closing in February 2004
- Reserve proceeds until \$50 million agreement with corporate underwriters is satisfied (which is no later than December 31, 2005)

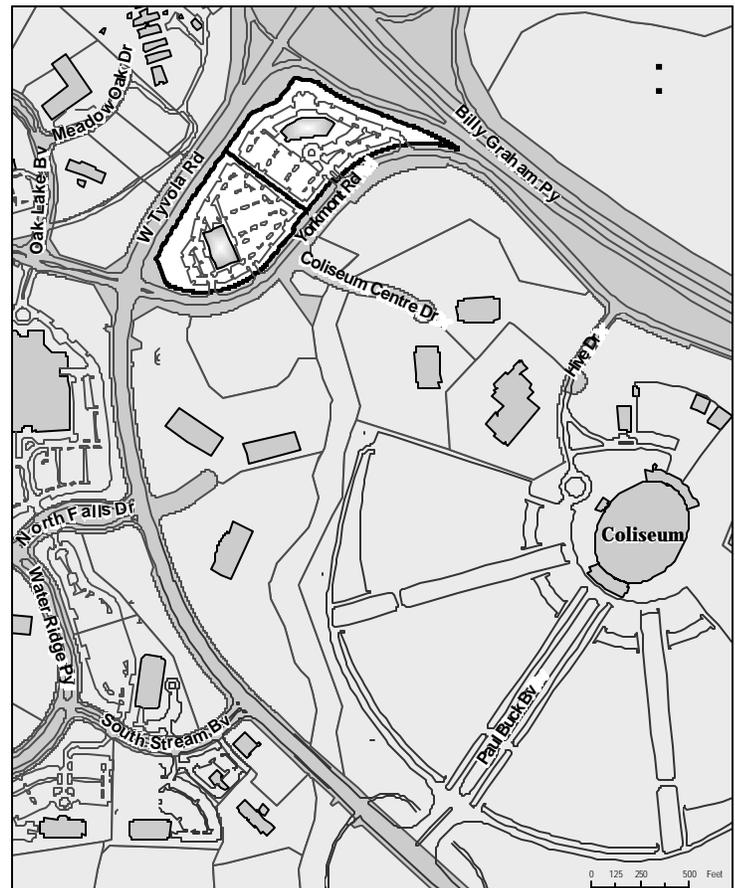
Figure 2

The location of the final property near the Coliseum is shown in figure 2.

The Economic Development and Planning Committee's recommendations relative to the disposition of this property is as follows:

Property 4
(Tyvola/Yorkmont)

- Declare property as surplus
- Begin private sale process in November 2003
- If private sale does not yield sufficient value, then proceed to upset bid process in January 2004
- Reserve proceeds until \$50 million agreement with corporate underwriters is satisfied (which is no later than December 31, 2005)



Obligations to be met with these proceeds:

The proceeds from each of these properties, except for the ground leases at the Coliseum, are dedicated by policy to the Sports and Entertainment Capital Projects Fund because one of the sources of funds to purchase the properties was the hotel/motel tax. In addition, Council has earmarked a portion of the proceeds from the original "optional land" (parcels 1A and 1B) to the Whitewater Park, with the balance being available for other tourist-related capital projects.

There are 3 additional potential financial obligations to be met with the proceeds from the sale of the remaining assets (properties 2-4).

- 1) As part of the arena financing plan approved by City Council on November 11, 2002, the business community agreed to purchase up to \$50 million of City assets, with the proceeds dedicated to construction of the new arena. The three properties identified in the January 13, 2003 Memorandum of Understanding, as well as their estimated values, were as follows:

Old Convention Center	\$14 million
Charlotte Coliseum	\$24 million
Old Bus Garage	\$8 million
Johnson & Wales	\$1 million
Total	\$47 million

In addition, Wachovia and Bank of America paid the City a \$3 million advance to reach \$50 million. To the extent that the upset bid process does not provide sufficient funds to cover the \$3 million advance, the City shall repay the advance to the banks by December 31, 2005 from a source to be determined by the City. The source, if necessary, has been presumed to be the proceeds from the sale of these additional properties.

- 2) Crescent Resources has 10 days following the rezoning of the Coliseum property to reassess its \$24 million purchase offer. Therefore, \$24 million is not yet a firm offer.
- 3) There is a potential \$1.2 million reduction in the \$8 million purchase price of the old bus garage property due to a right-of-way abandonment issue with the railroad. The City's agreement with Arena Holdings, LLC allows the City until December 31, 2005 to resolve the abandonment issue with North Carolina Railroad. Staff has already begun these negotiations. Should negotiations fail, the price of the property is reduced by the value commensurate with the right-of-way.

The proceeds from the sale of these properties are not the only proceeds available to meet these financial obligations. In addition, the proceeds from two additional sales are being held to apply towards these obligations:

- 1) Property along Billy Graham Parkway is pending sale for \$445,000 and the proceeds will be dedicated to the arena project, if needed; and,

- 2) The existing Children's Theatre property is under option to Morehead Properties, per an April 2001 Council decision, for \$975,000.

Committee Discussion:

The Economic Development and Planning Committee met on June 18, 2003 and July 16, 2003 to discuss the land disposition issues. On July 16 the Committee voted unanimously (Wheeler, Graham, Cannon, and Carter) to recommend these disposition actions to the full Council.

At the June 18 meeting, the Committee directed staff to contact a sampling of local developers to determine the prospects for Parcel 3. Staff met with five developers representing four different companies. The findings were conveyed to the Committee on July 16. The discussions with the developers were very positive and they see a great deal of potential for this site. However, they expressed two concerns: 1) the lack of dedicated parking for Parcel 3 makes the retail and office components of the development more difficult, and 2) the soft office market at this time make a speculative building impractical.

Staff recommended to the Committee, which in turn recommended to the full Council, that the Charlotte Area Transit System (CATS) be allowed to purchase an undivided interest of approximately 58,000 square feet in the building. In addition to accomplishing its office space needs, CATS' participation in the project provides a tenant for 4 of 6 floors of office in a soft market, as well as a tenant for which the lack of parking is not an issue.

The Committee also amended staff's recommendations on Parcel 2 by eliminating the potential of upset bid for this property. The Committee recommended a private sale in order to limit the possibility of surface parking being the likely use after sale of the property.

Lastly, the Committee requested staff incorporate small businesses into the disposition and redevelopment of these properties to the fullest extent possible.

15. Business Investment Program



Action: Approve the recommendation of the Economic Development and Planning Committee to approve the revised Business Investment Grant program.

Committee Chair: Lynn Wheeler

Staff Resources: John Palmieri, Economic Development
Tom Flynn, Economic Development

Explanation:

In July 2002, Council directed the City Manager to work with Mecklenburg County to revise the City/County Business Investment Program. This direction was given due to the Time Warner Cable request for an economic development grant, changes in the business environment, competitive incentive programs, State participation and the City's Smart Growth policy. The directive was also based on Advantage Carolina's recommendation to support key business clusters through investments designed to create higher paying jobs.

The proposed revised program has the following key components:

Eligible Companies

Companies that are in the Business Clusters identified by the Advantage Carolina Report: Financial Services, Transportation/Distribution, Manufacturing, Software, Information-related services, and Corporate headquarters.

Development Zone

Includes the State Development Zone, transit station areas and targeted business districts.

Includes the Arrowood/Westinghouse Area for manufacturing and distribution only.

Investment & Job Creation Guidelines

Minimum investment of \$1.5 million

Creation of at least 20 jobs with an average wage equal to Charlotte's average wage (currently \$17.00 per hour)

Grant Amount (Existing versus Proposed)

-- Existing Program--

	City	County	Total
Company Investment	-	-	\$2,000,000
Grant Amount	\$40,500	\$49,500	\$90,000
% of Grant	45%	55%	100%
Property Taxes over Grant Period	\$42,000	\$73,640	\$115,640
Property Taxes Net of Grant	\$1,500	\$24,140	\$25,640
% Property Taxes Net of Grant	3.57%	32.78%	

--Proposed Program--

	City	County	Total
Company Investment	-	-	\$2,000,000
Grant Amount	\$31,500	\$55,230	\$86,730
% of Grant	36%	64%	100%
Property Taxes over Grant Period	\$42,000	\$73,640	\$115,640
Property Taxes Net of Grant	\$10,500	\$18,410	\$28,910
% Property Taxes Net of Grant	25%	25%	

The grants would last for five years with the amounts based on the property tax generated by the investment according to the following schedule:

- Year 1: 85% of property taxes generated
- Year 2: 80% of property taxes generated
- Year 3: 75% of property taxes generated
- Year 4: 70% of property taxes generated
- Year 5: 65% of property taxes generated

The City and County share of the grant payment would be based on the relative tax rates. Given the current tax rates (City 42 cents and County 73.64 cents) the City's share would be 36% and the County's share would be 64%. This percentage will change as the tax rates change.

Large Economic Impact Projects

The proposed revised Business Investment Grant program also includes guidelines for considering grants to Large Economic Impact projects that locate in any part of the City. Under the revised Business Investment Grant program the following guidelines would apply to Large Economic Impact projects:

- Eligible companies should be within the business clusters identified by Advantage Carolina
- To be considered for a grant, a Large Economic Impact project should have an investment of \$10 million and create 300 jobs that pay an average of 125% of Charlotte's median wage. The guidelines provide for consideration of projects that have higher investment and fewer jobs, or higher number of jobs with lower average wages.
- Evaluation of projects will include: number and quality of jobs; quality of company; net tax benefit to City and County; primary economic impact; and competition for project.
- Grant amounts based on the following guidelines:

- Year 1: 95% of property taxes generated
- Year 2: 90% of property taxes generated
- Year 3: 85% of property taxes generated
- Year 4: 80% of property taxes generated
- Year 5: 75% of property taxes generated
- Year 6: 70% of property taxes generated

Year 7: 65% of property taxes generated
 Year 8: 60% of property taxes generated

The key difference between the revised program and the existing program are:

- The existing program has no provision for large economic impact projects outside of the development zone
- The revised program includes the five transit corridors and Center City within the Development Zone, and the Arrowood/Westinghouse area for manufacturing and distribution only
- The revised program bases the investment grant on property taxes paid rather than investments made
- The revised program splits the City/County payment based on the relative tax rates (currently 65% County/35% City) rather than 55% County/45% City)

Committee Discussion:

The Economic Development & Planning Committee discussed this issue at its February 5, 2003 meeting. The Committee requested additional information on similar programs in Charlotte competitive cities and data on economic trends in Charlotte and competitive cities. This information was provided to the Committee at their June 4, 2003 meeting, which was attended by Council members Wheeler, Graham, Carter and Lochman. The Committee discussed the flexibility the proposed program provides to consider projects and applying the program to vacant big boxes. The Committee voted unanimously to recommend approval of the program to the full Council once the County Commission discussed the revised program

On July 16, 2003 the County Commission's Economic Development Committee discussed the proposed revised Business Investment Program and referred it favorably to the County Commission.

Community Input:

The Charlotte Chamber has been actively involved in developing the revised program. The City's Business Advisory Committee has reviewed the revised program and recommends approval.

Attachment 8

Proposed Business Investment Program Revised Guidelines
 Map of Development Zone

16. Amendments to Small Business Opportunity Program

This item will be included in the Friday, July 25, 2003 Council-Manager Memorandum.

BUSINESS

17. Norfolk Southern Railroad Right of Way Purchase for the CATS South Corridor Light Rail Project



Action: Authorize the City Manager or her designee to execute the purchase and sale and other associated agreements with the Norfolk Southern Railway for approximately 6 miles of right-of-way needed for the CATS South Corridor Light Rail Project at a purchase price not to exceed \$14,750,000.

Staff Resource: Ron Tober, Charlotte Area Transit System

Policy:

This action is consistent with the 2025 Transit/Land Use Plan for the continued development and expansion of the transit system and specifically for implementation of the South Corridor Light Rail Project.

Explanation:

Charlotte Area Transit System's (CATS) development of the South Corridor Light Rail Project requires the acquisition or partial acquisition of approximately 130 different properties along the corridor between Uptown Charlotte and the southern terminus of the line at I-485 just north of Pineville. The largest and most important of these acquisitions is the railroad right-of-way owned by Norfolk Southern Railway (NS). CATS staff has been negotiating with NS over the past two years and has tentatively reached agreement for the purchase of portions of the right-of-way. Additionally, tentative agreements have been reached establishing terms by which CATS and NS will coordinate project construction and operate adjacent services in the rail corridor beginning in 2006.

The purchase covers six miles of rail corridor from Scaleybark Road to just north of I-485 near Pineville. This segment, along with previously purchased corridor segments will now allow CATS to implement its plans for the South Corridor Light Rail project from I-485 to 7th Street in Uptown. The corridor will be used only for light rail from uptown to Woodlawn Road and then from Woodlawn south to I-485, freight and passenger railroads will operate side-by-side.

Initially, negotiations with NS also contemplated the purchase of the 30-mile right-of-way between Charlotte and Mooresville for the North Corridor commuter rail project. The offer by NS to sell that line to CATS remains but NS insisted that negotiations for that corridor be separated from the South Corridor sale.

The transaction will require three separate agreements:

- Purchase & Sale Agreement to cover the real estate transaction and compensation.

- Construction Agreement to govern how the parties review and approve Light Rail Project construction plans and carry out the implementation of CATS' construction.
- Operations Agreement to cover the working relationship between the two parties on ongoing maintenance and liability insurance requirements.

Pending Council approval, the Purchase & Sale Agreement is anticipated to be executed by both parties in August with an anticipated closing date on all three agreements in December 2003.

Key Negotiation Issues:

1. Liability Insurance Requirements – Consistent with national experience in negotiations between transit properties and freight railroads, NS asked CATS to provide \$500 million in liability insurance coverage. However, with the adoption of state legislation passed last year, capping railroad liability limits at \$200 million, both parties have agreed to the \$200 million limit. If this state-mandated cap is ever ruled invalid, CATS would be required to secure \$500 million in liability coverage.
2. Compensation – CATS utilized several factors in identifying an appropriate price to offer for the right-of-way including:
 - A detailed “across the fence” appraisal of the entire corridor length to determine market value.
 - Identification of third-party encroachments on the railroad property including Old Pineville Road, fiber optic lines, and adjacent property developments.
 - Corridor assemblage factors to account for additional costs associated with assembling the 6-mile long rail corridor.
 - Cost estimates to assemble an alternative project right-of-way adjacent, but independent of NS, including the potential time delays required for revised design work and real estate acquisitions (voluntary and involuntary).

After several rounds of negotiation that began with initial offers of \$8.9 million by CATS and \$23.9 million by NS, the parties have tentatively agreed on compensation of \$14.75 million.

Additionally, CATS and NS have reached agreement to share any cost savings that might be recognized in CATS' \$1,145,000 budgeted expense for necessary relocation of existing underground fiber optic cable along the right-of-way. CATS and NS will share the savings evenly if actual CATS' fiber relocation expenses total less than the budgeted amount, or should NS successfully transfer some of this relocation expense from CATS to the fiber optic companies they have contracts with.

CATS' staff believes this is a reasonable compensation arrangement for the proposed acquisition. While comparisons to public transit corridor

acquisitions in other parts of the country are difficult to make, this purchase arrangement compares favorably to acquisitions made in Florida and Southern California in the early 1990s and more recently to a lease-purchase arrangement between NS and the Metro-North Commuter Rail in Upstate New York. Furthermore, CATS' estimate to assemble comparable right-of-way independent of NS exceeded \$18 million and would have resulted in a project delay of a minimum of 6 months. Council's approval of this transaction will allow CATS to continue with project implementation as scheduled.

Community Input:

The Metropolitan Transit Commission has been kept apprised of the negotiations with NS and was notified of the anticipated Council action at their June 25, 2003 meeting.

Funding:

Transportation Capital Investment Plan

18. Passenger Facility Charge Resolution

Action: Adopt a resolution authorizing the Aviation Director to submit a Passenger Facility Charge (PFC) application to the Federal Aviation Administration (FAA).

Staff Resource: Jerry Orr, Aviation

Explanation:

In 1990, Congress authorized the collection of Passenger Facility Charges (PFC) by airports to fund airport infrastructure projects. Since that time over 300 commercial airports in the United States have imposed the PFC up to a maximum level of \$4.50 per passenger.

The Airport is re-establishing its Capital Improvement Program (CIP) since the September 11th terrorist attacks, and wishes to impose the PFC to fund the construction of certain elements of that program. Those elements include the construction of a third parallel runway, the expansion of Concourse 'E' and other airfield improvement projects. The proposed collection level is \$3.00 per passenger boarding at the Airport, including transfer passengers, with an effective collection date of February 1, 2004, pending FAA approval.

This resolution will authorize the Aviation Director to submit the PFC application to the FAA for their review and approval.

Council was briefed on this topic at the June 23, 2003 Dinner Briefing.

Committee Discussion:

The Airport Advisory Committee has recommended this action.

Attachment 9

Resolution

19. Watershed Protection–Acquisition of Land

Action: Approve the acquisition of 14.3 acres of land from The Trust for Public Land for the appraised value of \$1,005,000. The waterfront property is located at the end of Abernathy Road, next to the Mountain Island Intake Station. The site would be purchased with a life estate provision to Charles and Harriette Parker.

Staff Resources: Tim O'Brien, Engineering & Property Management
Doug Bean, Utilities

Explanation:

The Trust for Public Land (TPL) is purchasing the property from the Parker family. The Parkers will receive tax benefits by selling to TPL, who will then sell the land to the City for the same price paid to the Parkers.

The property is near the mouth of the Gar Creek Cove, directly across from Latta Plantation Park and between Charlotte's water intake and a neighboring subdivision. This acquisition will provide continuous waterfront protection for a substantial distance upstream of the water intake structure and preserve this wooded property in its natural state.

Community Input:

Some of the neighbors have a 10'-wide access easement to the lake. They have approved a new access being rerouted around the northerly perimeter of the property.

Funding:

Economic Development Capital Investment Plan

Attachment 10

Map of area

20. Ferguson Group Contract

Action: Approve a contract with The Ferguson Group in the amount of \$114,000 for lobbying services. This is a one-year contract with two, one-year renewal options.

Staff Resource: Boyd Cauble, City Manager's Office

Explanation:

The Ferguson Group is a Washington lobbyist firm, which serves as an extension of the City of Charlotte staff. They assist our congressional delegation members as they seek annual budget appropriations for high priority Charlotte projects.

An original contract with The Ferguson Group, the City and Mecklenburg County was signed by the City Manager in July 2001. The City and Mecklenburg County split the cost of the contract, each paying \$90,000. This contract had two, one-year renewal options with the cost increasing to \$114,000 each in years two and three. Council approved a one year extension of the contract in August 2002 for \$114,000. Mecklenburg County decided not extend its second, one-year option and this new contract between the City and The Ferguson Group is now required. The cost for the service remains \$114,000 for the City. Since we are in the middle of an appropriation cycle with the attached FY2004 work program, staff recommends continuing our relationship with The Ferguson Group.

Funding:

General Fund

Attachment 11

FY2003 List of Accomplishments

FY2004 Scope of Services

21. First Ward Land Exchange

Action: A. Approve a resolution authorizing the exchange of land between the City, County and Charlotte Housing Authority for the redevelopment of First Ward, and

B. Authorize the City Manager to execute documents necessary to effectuate said exchange.

Staff Resources:

Tom Flynn, Economic Development
 Kent Winslow, Engineering & Property
 Management
 Susanne Todd, City Attorney's Office

Explanation:

On May 14, 2001, Council authorized the City Manager to execute a Memorandum of Understanding ("MOU") between the City of Charlotte, County of Mecklenburg and the Charlotte Housing Authority. The parties to the MOU agreed to exchange various parcels of property in order to redevelop the current First Ward Park into a mixed-use development as recommended by the First Ward Plan and to relocate the existing First Ward Park to a site that is more centrally located with respect to the residential population of First Ward. Performance of the terms of the MOU was contingent on the

Charlotte Housing Authority receiving approval for its project from the US Department of Housing and Urban Development. The Housing Authority has now received such approval and the parties have tentatively agreed on an August 26, 2003 closing date for the land exchanges.

Attachment 12

Resolution

Property maps

22. Charlotte Enterprise Community Contract



Action: Approve the contract with the Charlotte Enterprise Community for \$657,641 to serve neighborhoods in the Enterprise Community for the period July 1, 2003 to November 30, 2004.

Staff Resource: Stanley Watkins, Neighborhood Development

Policy:

The Economic Development Focus Area emphasizes preparing people for quality employment and meeting the workforce needs of employers. Workforce development and economic development activities provided by the Enterprise Community Initiative are part of the City's overall efforts to help disadvantaged residents in the community prepare for jobs, find jobs and pursue entrepreneur opportunities.

Explanation:

The contract with the Charlotte Enterprise Community, Inc. (CEC) provides for adult and youth training, employment and entrepreneurship to 32 neighborhoods that make up the Enterprise Communities (EC). The Enterprise Communities were created in 1994 as part of a \$2.95 million federal grant from the U.S. Department of Health and Human Services to provide employment services and economic opportunities for residents in census tracts with high poverty levels.

The grant expires in December 2004 and all funds must be expended by that date. Approximately \$657,641 remains from the original grant amount.

During FY2003, the CEC was successful in achieving 126% of its Balanced Scorecard objectives. Highlights of their performance include the following:

- Established a Youth Entrepreneurship program;
- 52 youth attended employability skills workshop (Goal-50);
- Sponsored 23 job fairs (Goal-4);
- 377 EC residents attended job fairs (Goal-500);
- Sponsored 5 customized job training classes (Goal-3); and
- Received an \$11,000 donation from the Wachovia Foundation to assist with EC initiatives.

For FY2004, the CEC is proposing to continue similar activities. Highlights of the proposed Balanced Scorecard activities include:

- Serve as the North Tryon JobLink Center Operator, which will be located in the North Tryon Service Center;
- Establish partnerships with federally required joblink partners, and other community-based organizations to ensure maximum service availability in the North Tryon JobLink Center;
- Provide employment and training services to Workforce Investment Act (WIA) eligible applicants;
- Expand the entrepreneur program to include adults;
- Expand the employability skills training classes to include adults; and
- Explore available funding sources that will continue and expand services available to the EC.

Funding:

Enterprise Community Grant – United States Department of Health and Human Services

Attachment 13

FY2003 EC Balanced Scorecard Achievements

FY2004 EC Contract and Balanced Scorecard Targets

EC Board of Directors

EC Geography - Map

23. Celgard Business Investment Grant



Action: Approve the City share of a Business Investment Grant to Celgard for a total estimated amount of \$347,300 over 5 years. Total City/County grant for the five-year period estimated at \$964,800.

Staff Resource: Tom Flynn, Economic Development

Explanation:

Celgard is a privately-held company that researches, develops and manufactures high technology materials used in the manufacture of lithium ion batteries used to power portable micro-electronic devices, such as cell phones, laptops, and PDAs. Celgard currently employs 284 people in a Charlotte facility at SouthPoint Business Park in the Arrowood-Westinghouse area.

Due to demand for their product, Celgard needs to expand and plans on investing a total of \$35 million in new equipment and building at their current location and adding 50 new employees. The average wage of all employees will be \$927 per week (\$48,204 per year). Celgard's investment will occur over the next five years. The initial investment of \$17 million will occur in 2003 and the 50 new employees are scheduled to be hired by January 2004. Staff recommends a City/County Business Investment Grant to Celgard for the following reasons:

1. The investment grant will retain 284 research & development and manufacturing jobs in Charlotte and add another 50 manufacturing jobs.
2. South Carolina has offered significant monetary incentives for Celgard to move to South Carolina, and a City/County Business Investment grant helps offset the South Carolina incentives.
3. This \$964,800 investment grant will result in private sector investment of \$35 million in Charlotte. This is a leverage of \$36 private sector investment for each \$1 of public sector investment.
4. Celgard's average salary of \$48,204 is 131% of Charlotte's average annual salary.
5. Celgard is an advanced manufacturer that employs high technology through research and development. Advanced manufacturing is one of the growth business clusters identified by Advantage Carolina.
6. Celgard's expansion is estimated to have a direct economic impact of \$40 million per year on Charlotte's economy, and generate additional taxes of \$487,000 per year to the City and \$926,121 per year to the County.
7. The City/County Business Investment grant is part of an assistance package that includes the State of North Carolina and Duke Energy.

If approved, the following schedule is an estimate of the Investment Grant payments to Celgard:

Year	City	County	Total (estimated)
1	\$54,200	\$96,300	\$150,500
2	\$61,500	\$109,400	\$170,900
3	\$76,300	\$135,600	\$211,900
4	\$78,000	\$138,800	\$216,800
5	\$77,300	\$137,400	\$214,700
Total (estimated)	\$347,300	\$617,500	\$964,800

The general terms and conditions of this grant include:

1. Grant payments cease if employment falls below 80% of the 334 employees.
2. Portion of the grant must be repaid if the company removes this investment from Charlotte within 5 years of the end of the grant term.
3. Actual grant payments are based on the value of the investment as appraised by Mecklenburg County Tax Office.
4. All property taxes due from the company must be paid before a grant payment is made.

These payments would be split between the City and the County based on the Revised Business Investment Program that the Economic Development and Planning Committee recommended to the City Council and is on the July 28, 2003 Business agenda.

The County's Economic Development Committee met on July 15, 2003 and voted to approve the revised Business Investment Grant Program as submitted and will forward its recommendation for approval to the full County Commission.

Funding:

FY2005 Business Investment Grant Funds

24. Media Evolved Business Investment Grant



Action: Approve an amendment to the Business Investment Grant for Media Evolved to increase the estimated grant amount from \$40,350 to \$60,945 to reflect the additional investment Media Evolved has made in their facility on Freedom Drive. Total City/County estimated grant amount increases from \$89,675 to \$135,610.

Staff Resource: Tom Flynn, Economic Development

Explanation:

In April 2002, Council approved a Business Investment Grant for Media Evolved estimated at \$40,450 over five years. The total estimated City/County grant approved was \$89,675. This estimated grant amount was based on a projected investment of \$1.9 million. This amendment would increase the grant amount based upon Media Evolved's actual investment of \$3.3 million.

Media Evolved made this additional investment because the business grew faster than was projected. They have also hired 60 workers more than originally projected.

Media Evolved manufacturer compact discs for clients including major copyright and license holders. They are located in the Freedom Mall shopping center and employ a total workforce of 80 with an average salary of \$15.86. This is 90% of Mecklenburg County's median wage.

Based on an investment of \$3.3 million, the City and County would make grants based on the following estimated schedule:

Year	City	County	Total
1	\$8,970	\$10,960	\$19,930
2	\$14,110	\$17,240	\$31,350
3	\$13,365	\$16,335	\$29,700
4	\$12,620	\$15,430	\$28,050
5	\$11,880	\$14,520	\$26,400
TOTAL	\$60,945	\$74,665	\$135,610

Since this Grant was originally approved before the revised Business Investment Program, the City/County share of the grant is 45% City and 55% County. The City's share of the grant amount is less than Media Evolved's property tax amount. The grant amount increases in the second year to reflect the \$3.3 million investment, all of which was not reflected in the tax base for FY04.

The County Commission has not considered approval of this grant. They will consider it at their August 2003 meeting.

Funding:

FY2004 Business Investment Grants funds

25. Planning Director Recruitment Process

Action: Confirm the Mayor's Appointment of Council member John Tabor to the Planning Director Recruitment Committee.

Staff Resources:

Pam Syfert, City Manager
Curt Walton, City Manager's Office

Explanation:

The Charlotte-Mecklenburg Planning Director search process is specified in the "Interlocal Cooperation Agreement," entered into on December 19, 1988 by the City of Charlotte, the County of Mecklenburg and the Charlotte-Mecklenburg Planning Commission. Relative to selection of the Planning Director, the Agreement states the following:

" The Chairman of the Board of County Commissioners pursuant to a vote of the Commission; the Mayor and the City of Charlotte, pursuant to a vote of the Mayor and Council; and the Chairman of the Charlotte-Mecklenburg Planning Commission pursuant to a vote of the Commission: shall each select one member of a three member selection committee to be known as Planning Director Recruitment Committee (PDRC). The City Manager and the County Manager shall act as ex-officio members of the PDRC to offer professional resources and advise in the process of selecting a new Planning Director. "

Pursuant to the Agreement, Mayor McCrory has selected Council member Tabor to the PDRC. Also, pursuant to the Agreement, Council is required to confirm the Mayor's appointment of Council member Tabor to the PDRC.

The appointments by the Chair of the County Commission and the Planning Commission have neither been made by the Chairs nor confirmed by the respective boards. Council will be notified of those appointments when made and confirmed.

Attachment 14

1988 Interlocal Cooperation Agreement
 Planning Director Selection Flow chart

26. Charlotte Center City Partners Board Appointments

Action: A. Reappoint existing Charlotte Center City Partners (CCCP) Board members, and

B. Appoint four new CCCP Board members.

Staff Resource: Matt Bronson, Budget and Evaluation

Explanation:

Charlotte Center City Partners (CCCP) is the nonprofit organization the City contracts with to provide services and promotional activities in the Center City. These services and activities are funded through the special property tax assessment in the three Center City Municipal Service Districts. CCCP's bylaws require annual Council reappointment of existing Board members and appointment of new members nominated by the Board.

The following members to be reappointed to the Board are:

Krista Tillman, Chair	Anthony Fox
Tom Hughes, Vice Chair	Winston Kelley
Paul Grube	Peter Pappas
Peter Ridder	Pat Riley
Stefan Latorre	Catherine P. Bessant
Daniel Levine	Harvey Gantt
Michael Marsicano	Jeff Davis
Mary MacMillan	Mac Everett
Jim Apple	James R. Palermo
Jim Dulin	Lynn Wheeler
Vicki Wilson-McElreath	

The following individuals have been nominated by the CCCP Board (membership classification for each individual is specified):

Art Gallagher (Johnson & Wales University) – Class A, At Large
 Lee Hampton (Johnson C. Smith University) – Class A, At Large
 Ed Tapscott (Charlotte Bobcats) – Class A, At Large
 Tom Cox (County Commission) – Class E, Elected City/County Officials

CCCP's Board approved these nominees at its June 19, 2003 meeting. Council must either appoint this slate of nominees or request a revised slate of nominees from CCCP.

Attachment 15

Letter from CCCP requesting Council action

27. Historic South End Board Appointments

Action: A. Reappoint existing Historic South End (HSE) Board members, and

B. Appoint seven new HSE Board members.

Staff Resource: Matt Bronson, Budget and Evaluation

Explanation:

Historic South End (HSE) is the nonprofit organization the City contracts with to provide services and promotional activities in the South End area. These services and activities are funded through the special property tax assessment in the South End Municipal Service District. Similar to Charlotte Center City Partners, Historic South End has requested formal Council approval of reappointment of existing Board members and appointment of new members.

The following members to be reappointed to the Board are:

John Stamas, President	David Haggart
Ed Baesel	Chuck Lee
Gaines Brown	Tom Fassett
Greg Pappanastos	Teresa Gitomer
Anthony T. Pizzo	Richard Thurmond

The following individuals have been nominated by the HSE Board:

Randy Cheatwood (Pike's Soda Shop)
 Larry Elder (Elder Art Gallery)
 Steve Harris (Harris-Murr Associates)
 Harry Schrader (Schrader Design)
 Johnice Stanislawski (Queen's Beans Coffee House)
 John Vieregg (Interiors Marketplace)
 Bryon Woehler (Art Source & Design)

The HSE Board approved these nominees on April 24, 2003. Council must either appoint this slate of nominees or request a revised slate of nominees from HSE.

Attachment 16

Letter from HSE requesting Council action

28. University City Partners Board Appointments

Action: Appoint new members of the University City Partners Board

Staff Resource: Matt Bronson, Budget and Evaluation

Explanation:

University City Partners (UCP) is the nonprofit organization the City contracts with to provide services and promotional activities in the University City area. These services and activities are funded through the special property tax assessment in the new University City Municipal Service District. Similar to Charlotte Center City Partners, University City Partners has requested formal Council approval of its new Board members listed below:

Edna Chirico, Co-Chair	Commercial Real Estate Representative
Leigh Rounds, Co-Chair	University Executive Park Manager/Owner
Chancellor James Woodward	University of North Carolina at Charlotte
Spencer Lilly	Carolinas HealthCare System, University
Humpy Wheeler	Lowe's Motor Speedway
Rusty Goode	University Research Park
Rick Porter	University Research Park
James Maxwell	Wachovia Customer Information Center
Larry Wilson	Crescent Resources
John Howard	University Hilton
Cheri Wills	University Place Manager/Owner
Afshin Ghazi	Promenade Manager/Owner
Michael DuVall	University YMCA
Kevin O'Boyle	Restaurant Owner
J. Kevin Toomb	Community Building Initiative
John Kindblom	Residential Real Estate Representative
G. Maloomian	Commercial Real Estate Representative
Mardee Woodward	University Place Neighborhood
Brad Winter	Brookstone Neighborhood
Todd Arnold	Wexford Neighborhood
James Bagwell	Area Attorney
Lynn Slayton	Past President, University City Area Council

UCP Board approved this list of initial Board members on May 14, 2003. Council must either appoint this slate of nominees or request a revised slate of nominees from UCP.

Attachment 17

Letter from UCP requesting Council action

29. Appointments to Boards and Commissions

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

A. AIRPORT ADVISORY COMMITTEE

One appointment beginning August 2003 and serving three years.

Category:
Aviation Affiliation

Don Black by Council member Cannon
Henry Nicholson by Council member White
Tom Schick by Council member Wheeler

Category: West side Resident
Frances Harkey by Council member Cannon
Avery Staley by Council member Cogdell

Attachment 18

Applications

B. HISTORIC DISTRICT COMMISSION

One appointment beginning immediately and ending July 2004 to represent a resident/owner in Dilworth.

K. T. Mills by Council member Spencer
John Phares by Council member Tabor

Attachment 19

Applications

C. HISTORIC LANDMARKS COMMISSION

One appointment beginning immediately and ending July 2005.
Another appointment beginning July 2003 and serving for three years.

Matt Benson by Council member Wheeler
Valerie Lewis by Council member Mitchell
Richard Mattson by Council member Spencer
Laura Smith by Council member Cogdell

Attachment 20

Applications

D. KEEP CHARLOTTE BEAUTIFUL

Two appointments beginning immediately. One will serve until July 2004 and the other will serve until July 2005.

Jerry Black by Council member Mitchell
Bianca Bradford by Council members Carter & Cogdell
Christopher Gegg by Council member Tabor
James McCoy by Council member Mitchell

Attachment 21

Applications

E. TRANSIT SERVICES ADVISORY COMMITTEE

One appointment beginning immediately and ending January 2006. Must be a suburban employer served by CATS.

Gladys Taylor by Council member Mitchell

Dick Yoder by Council member Tabor

Attachment 22

Applications

F. TREE ADVISORY COMMITTEE

One appointment beginning immediately, serving until December 2003 and then serving the next full, three year term.

Christopher Buchanan by Council member Wheeler

Ron Shearin by Council member Carter

Attachment 23

Applications

MAYOR AND COUNCIL TOPICS

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

Introduction to CONSENT

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

Consent I consists of routine items that have been approved in the budget, are low bid and comply with the 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 Program's (SBO) 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 services 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 contractors and consultants selections follow the Council approved process unless explained otherwise.

CONSENT I

30. Various Bids

A. West Tremont Avenue Sidewalk Improvements E&PM

Recommendation:

The City Engineer recommends the low bid of \$212,455.44 by United Construction Co. of Charlotte, North Carolina. This project is part of the City's ongoing sidewalk program and will construct sidewalk and related infrastructure along the south side of Tremont Avenue from Toomey Avenue to Camden Road, including new sidewalk at the Brookhill Village public housing complex. This project is anticipated to be completed in December 2003.

Small Business Opportunity:

Established SBE Goal: 11%

Committed SBE Goal: 2%

United Construction committed 2% (\$3,000) to SBE participation on this project. United met the good faith efforts requirements.

B. Smallwood/Eleanore Heights Neighborhood Improvement Project-Phase I-Eleanore Heights E&PM

Recommendation:

The City Engineer recommends the low bid of \$668,543.49 by United Construction of Charlotte, North Carolina. The Smallwood/Eleanore Heights neighborhood is one of twenty-one neighborhoods targeted for improvements under the 2000 Neighborhood Improvement Bond voter-approved referendum. This project has been divided into two phases: Phase 1-Eleanore Heights and Phase 2-Smallwood. Phase 1 proposes to construct roadway improvements, grading, storm drainage, curb, gutter, and sidewalks within the Eleanore Heights neighborhood on Clyde Drive, Coronet Way and Bungalow Road, southwest of Rozzelles Ferry Road. This project is anticipated to be completed in February 2004.

Small Business Opportunity:

Established SBE Goal: 2%
Committed SBE Goal: 2%

C. Storm Water Maintenance FY 2004-A E&PM

Recommendation:

The City Engineer recommends the low bid of \$1,036,842.50 by Showalter Construction of Charlotte, North Carolina. This project is part of an on-going program to provide maintenance, repair, and construction on existing storm water systems, or to construct new systems where none exists within the city limits of Charlotte. Individual projects are identified and prioritized by Engineering & Property Management's Storm Water Services Division based on the severity of the situation with regard to flooding of public and private property. Storm Water Services uses one-year "retainer" contracts such as this to provide timely response to maintenance problems. This project is anticipated to be completed in February 2005.

Small Business Opportunity:

Established SBE Goal: 6%
Committed SBE Goal: 0%
Showalter Construction complied with the good-faith efforts.

D. Cliffwood / Wilmore Storm Drainage Improvements E&PM

Recommendation:

The City Engineer recommends the low bid of \$2,039,395.40 by Ferebee Corporation of Charlotte, North Carolina. This project consists of approximately 3,150 linear feet of storm drainage piping and box culvert construction. The work includes drainage structures, curb and gutter, pavement resurfacing, water and sewer line

replacement, erosion control and traffic control to remedy flooding in the Wilmore neighborhood off South Boulevard near West Boulevard. This project is anticipated to be completed in August 2004.

Small Business Opportunity:

Established SBE Goal: 11%

Committed SBE Goal: 0%

Ferebee Corp. complied with good faith efforts.

E. Arrowood Road Widening E&PM

Recommendation: The City Engineer recommends the low bid of \$519,819.54 by Blythe Development of Charlotte, North Carolina. This project will widen Arrowood Road from Nations Ford Road to Old Pineville Road to address public safety and traffic congestion problems, as part of the three-year vote to drive initiative. The work includes drainage; new curb, sidewalks, drives and wheelchair ramps, water / sanitary sewer installation and asphalt paving. This project is anticipated to be completed in December 2003.

Small Business Opportunity:

Established SBE Goal: 2%

Committed SBE Goal: 2%

F. Craighead - Frew Road Intersection Improvements E&PM

Recommendation:

The City Engineer recommends the low bid of \$410,486.25 by United Construction Company, Inc. of Charlotte, North Carolina. This project will realign West Craighead Road at the intersection of Frew Road to improve safety by removing a sharp curve and correcting sight distance problems as part of the Minor Roadway Improvement Program. The work includes; drainage; new curb, drives, sidewalks and wheelchair ramps, asphalt paving and erosion control. This project is anticipated to be completed in December 2003.

Small Business Opportunity:

Established SBE Goal: 2%

Committed SBE Goal: 2%

G. Public Safety Radio Tower Building E&PM

Recommendation: The City Engineer recommends the low bid of \$178,200 by Morlando-Holden of Greensboro, North Carolina. This project consists of construction of a 1,000 square feet brick building to house radio equipment at the base of the new 400' radio tower constructed on CMU's north water treatment plant on 7980 Babe

Stillwell Road in Huntersville, North Carolina. This project is anticipated to be completed in November 2003.

Small Business Opportunity:

Established SBE Goal: 3%

Committed SBE Goal: 0%

Morlando-Holden Construction complied with the good-faith efforts.

H. Fire Station #36

E&PM

Recommendation: The City Engineer recommends the low bid of \$1,811,940 by Hall Contracting of Charlotte, North Carolina. The project consists of construction of Fire Station #36 located on West Mallard Creek Church Road to serve the July 2003 annexation area in northeast Charlotte. The scheduled construction completion date is May 2004. The annexed area is currently being served by Fire Station #35 located on Pavilion Boulevard. This project is anticipated to be completed in June 2004.

Small Business Opportunity:

Established SBE Goal: 5%

Committed SBE Goal: 3%

Hall Contracting complied with the good faith efforts.

I. Crushed Stone

CDOT/BSS

Recommendation: The Key Business Executive for the Department of Transportation recommends award of a contract to provide Crushed Stone, to Vulcan Construction Materials, L.P., in the estimated annual amount of \$744,845. This is a one (1) year contract, with the option to renew for two (2) additional one (1) year terms. The Invitation To Bid was advertised in *The Charlotte Observer* and on the North Carolina Interactive Purchasing System website. Two (2) bids were received. This contract established a unit price contract for both delivered stone, and stone picked up, at the quarry, by City trucks. The primary user of this contract will be CDOT's Street Maintenance Division.

Small Business Opportunity:

The SBO Program Manager waives SBE utilization goals for this contract. This project did not provide any opportunity for SBE subcontractor utilization.

SBE Committed Goal: 0%

J. Removal, Hauling, and Disposal of Residuals from the Irwin Creek WWTP Sludge Storage Tank

CMU/BSS

Recommendation: The Key Business Executive for the Charlotte Mecklenburg Utility Department recommends award of a contract for

sludge removal at the Irwin Creek WWTP to Containment Services, Inc., Longwood, FL in the amount of \$219,846. The Request for Proposals was posted to the North Carolina Interactive Purchasing Internet website. The sludge storage tank at the Irwin Creek WWTP stores digested sludge prior to being dewatered and land applied. Periodically, these tanks and digesters must be cleaned out to remove built up sand, grit, rags, and other debris that accumulates over time. The material that is removed is not suitable for land application and must be disposed of in an approved landfill. Containment Services, Inc. was selected based upon successfully completing several similar projects recently, proven financially stable, proven safety record, and lowest price.

Small Business Opportunity:

The SBO Program Manager waives SBE utilization goals for this contract. This project did not provide any opportunity for SBE subcontractor utilization.

SBE Committed Goal: 0%

**K. Sanitary Sewer Construction–North CMU
Mecklenburg Rocky River Outfall Phase II**

Recommendation: The Charlotte-Mecklenburg Utilities Director recommends the low bid of \$1,971,291.42 by B.R.S. Inc. of Richfield, North Carolina. This project consists of gravity sewer pipe, manholes, and various other appurtenances and erosion controls. This construction will be within varying permanent and temporary construction easements.

Small Business Opportunity:

Established SBE Goal: 1%

Committed SBE Goal: 6%

BRS committed 6% (\$119,250) of total contract amount to certified SBE firms.

**L. Water and Sewer Main Construction–FY 04 CMU
Contract 1 - Street Main Extensions**

Recommendation: The Charlotte-Mecklenburg Utilities Director recommends the low bid of \$1,014,910.95 by Allied Grading, Inc. of Cornelius, North Carolina. This project consists of gravity sanitary sewer pipe, water pipe, manholes, and various other appurtenances and erosion controls.

Small Business Opportunity:

Established SBE Goal: 3%

SBE Committed Goal: 3%

Allied Grading, Inc., the low bidder, committed 3% (\$36,000) of the total contract amount to a certified SBE firm. Allied Grading is certified with the City's SBO program.

31. Refund of Property Taxes

Action: Approve adoption of a resolution authorizing the refund of property taxes assessed through clerical or assessor error in the amount of \$20,360.37.

Attachment 24

Resolution

List of Refunds

32. Resolution of Intent to Abandon Street and Set Public Hearing for a portion of Fennimore Street

Action: A. Adopt the resolution of intent to abandon a portion of Fennimore Street, and

B. Set a public hearing for August 25, 2003.

Attachment 25

Map

33. In Rems

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

Public Purpose:

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

Policy:

- Communities Within A City
- Community Safety Plan

The In Rem Remedy items were initiated from 3 categories:

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

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

Complaint

- A. 9233-#1 Old Hebron Rd. (near Neighborhood Statistical Area 198)
- B. 9233-#3B Old Hebron Rd. (near Neighborhood Statistical Area 198)
- C. 9233-#4 Nations Ford Rd. (near Neighborhood Statistical Area 198)
- D. 9233-#10 Nations Ford Rd. (near Neighborhood Statistical Area 198)
- E. 9233-#25 Nations Ford Rd. (near Neighborhood Statistical Area 198)
- F. 9233-#33 Nations Ford Rd. (near Neighborhood Statistical Area 198)
- G. 905 Rowan St. (Thomasboro/Hoskins)

Complaint:**A. 9233-#1 Old Hebron Rd.**

Action: Adopt an Ordinance authorizing the use of In Rem Remedy to demolish and remove the structure at 9233 #1 Old Hebron Rd. (near Neighborhood Statistical Area 198) located outside the Communities Within A City boundaries.

Attachment 26

B. 9233-#3B Old Hebron Rd.

Action: Adopt an Ordinance authorizing the use of In Rem Remedy to demolish and remove the structure at 9233 #3B Old Hebron Rd. (near Neighborhood Statistical Area 198) located outside the Communities Within A City boundaries.

Attachment 27

C. 9233-#4 Nations Ford Rd.

Action: Adopt an Ordinance authorizing the use of In Rem Remedy to demolish and remove the structure at 9233 #4 Nations Ford Rd. (near Neighborhood Statistical Area 198) located outside the Communities Within A City boundaries.

Attachment 28

D. 9233-#10 Nations Ford Rd.

Action: Adopt an Ordinance authorizing the use of In Rem Remedy to demolish and remove the structure at 9233 #10 Nations Ford Rd. (near Neighborhood Statistical Area 198) located outside the Communities Within A City boundaries.

Attachment 29

E. 9233-#25 Nations Ford Rd.

Action: Adopt an Ordinance authorizing the use of In Rem Remedy to demolish and remove the structure at 9233 #25 Nations Ford Rd. (near Neighborhood Statistical Area 198) located outside the Communities Within A City boundaries.

Attachment 30

F. 9233-#33 Nations Ford Rd.

Action: Adopt an Ordinance authorizing the use of In Rem Remedy to demolish and remove the structure at 9233 #33 Nations Ford Rd. (near Neighborhood Statistical Area 198) located outside the Communities Within A City boundaries.

Attachment 31

G. 905 Rowan St.

Action: Adopt an Ordinance authorizing the use of In Rem Remedy to demolish and remove the structure at 905 Rowan St. (Thomasboro/Hoskins Neighborhood) located in the Communities Within A City boundaries.

Attachment 32

CONSENT II

34. South Transit Corridor Station Area Infrastructure Project

Action: Approve an amendment for consulting services for the planning phase of the South Transit Corridor Station Area Infrastructure project with Gannett Fleming, Inc. for \$3,135,000.

Staff Resource: Tim Greene, Engineering & Property Management

Explanation:

CATS anticipates beginning service on the South Corridor Light Rail Transit System in mid-2006. In order to complement the transit investment, Council adopted the Transit Station Area Principles in November 2001. These principles recommend a strong linkage between land use and transit facilities and will guide Transit Supportive Development.

On November 11, 2002, Council approved an agreement in the amount of \$3,400,000.00, for conceptual planning of infrastructure improvements within the South Transit Corridor Station Areas. Specific infrastructure projects have been identified with input from the public and in connection with the Station Area Principles.

This amendment will provide for planning phase services for the identified projects. These projects include roadway, sidewalk, intersection, streetscape, bike lanes, pedestrian amenities, storm drainage, and water and sewer. Staff anticipates an amendment for design phase services in early 2004.

Funding:

Economic Development Capital Investment Plan

35. Statesville Avenue Streetscape

Action: Approve an agreement for landscape architectural services for Statesville Avenue with LandDesign, Inc. for \$240,095.

Staff Resource: Tim Greene, Engineering & Property Management

Explanation:

This project was identified in the Westside Strategy Plan and will provide streetscape enhancements along Statesville Avenue between Dalton Avenue and Newland Road.

The agreement will provide for the design of improvements that include new sidewalks with planting strips, driveway reconstruction, curb and gutter

where needed, streetscape plantings in planting strips, and the design of relocated parking for the Double Oaks Apartments.

LandDesign, Inc. was chosen to provide the services through a qualification based selection process.

Funding:

Economic Development Capital Investment Plan

36. Streetscape Improvements at the Charlotte Convention Center

Action: Authorize the City Manager or her designee to negotiate and award

A. Contract amendment #2 with Fluor Daniel for Construction Manager at Risk services in an amount not to exceed \$443,365.38 for streetscape improvements at the Convention Center, and

B. Contract amendment #5 with Ralph Whitehead & Associates for design and construction services not to exceed \$485,515.50.

Staff Resources:

William Haas, Engineering & Property Management
Ted Lewis, Auditorium-Convention Center-Coliseum Authority

Explanation:

These actions implement streetscape improvements envisioned last year concerning the Convention Center.

- A. Since the inception of the new Westin Hotel project, the Auditorium-Convention Center Coliseum Authority has worked toward strengthening the pedestrian link between the new hotel and the main patron entrance to the Convention Center along College Street. The Convention Center Coliseum Authority contracted with The FWA Group to design these streetscape improvements along College Street between Stonewall Street and this entrance. These improvements will involve the renovation of the steps and landscape area at the rotunda area of the Convention Center at the corner of Stonewall and College Street to provide a wider, safer, and more clearly marked path from the hotel to the main entrance of the Convention Center.

Fluor Daniel is the City's Construction Manager at Risk for the Trolley Improvements to the Convention Center. They are finalizing this work

and are available to complete this new streetscape work. They have a good knowledge of the Convention Center's structure and building operation procedures.

The architect and staff have reviewed the estimate and confirmed that Fluor Daniel's cost is in line for this scope of work. If the full value of the amendment is accepted the amendment will increase the value of Fluor Daniel's contract from \$10,056,286 to \$10,499,651.38.

- B. Ralph Whitehead & Associates (RWA) and its subconsultant, The FWA Group, are the original trolley design and construction administrators for the Trolley project. They have handled the planning and design of the Convention Center improvements associated with the Trolley construction to date. A portion of this amendment will provide funding for additional construction administration requirements brought on by changes in the North Carolina Building Code related to the Trolley improvements.

Because of their knowledge of the Convention Center's structure, the Convention Center contracted with The FWA Group to design the streetscape improvements. The remainder of this amendment will provide funding for construction administration and inspection services for the streetscape improvements.

If the full value of the amendment is accepted the amendment will increase the value of Ralph Whitehead's contract from \$7,876,639 to \$8,362,154.50.

Council appropriated funding for this work in September 2002 from the Convention Center Tax Fund.

Funding:

Convention Center Trolley funding

37. Elizabeth Avenue Business Corridor

Action: Approve an agreement for engineering design services for the Elizabeth Avenue Business Corridor with HDR for \$305,700.

Staff Resource: Tim Greene, Engineering & Property Management

Explanation:

On May 29, 2001, Council approved an agreement for \$134,458 for the planning phase of this project. This agreement for engineering design services will provide funding for the design of improvements along Elizabeth Avenue between Kings Drive and Hawthorne Lane.

The design will include roadway and pedestrian improvements such as pedestrian refuge islands, bulb-outs, improvements to signalized crossings, construction of planted medians, new marked pedestrian crosswalks and pedestrian signals, and roadway accommodations for bicycles. New curb alignments will accommodate vehicles, transit (Bus Rapid Transit and streetcar), bicycles and pedestrians.

HDR was chosen to provide the services through a qualification based selection process.

Funding:

Economic Development and Transportation Capital Investment Plan

38. Rockwell Park Neighborhood Improvements

Action: Approve Change Order #2 to the Rockwell Park Neighborhood Improvements contract with Crowder Construction of Charlotte, North Carolina for \$168,636.30

Staff Resource: David Meachum, Engineering & Property Management

Explanation:

Council awarded the original contract on April 8, 2002 for \$1,062,082.14. Council awarded change order #1 on March 24, 2003 for \$149,843.40.

The Rockwell Park neighborhood is one of the 22 neighborhoods identified for improvements under the 2000 Neighborhood Improvement bond referendum. The project consists of infrastructure improvements in the Rockwell Park neighborhood of West Sugar Creek Road, in the Derita Community.

Due to utility conflicts and new private development during construction, plan changes were made to redesign the storm drain system location. This redesign resulted in overruns of existing contract items.

Prices for this change order are based on existing contract unit prices. The prices are appropriate for the work.

The new contract sum is \$1,380,561.84.

Funding:

Neighborhood Capital Investment Plan

39. Trinity Park Neighborhood Improvements

Action: Approve Change Order #1 to the Trinity Park Neighborhood Improvements contract with 7-Star Construction of Charlotte, North Carolina for \$355,438.65.

Staff Resource: Dieter Crago, Engineering & Property Management

Explanation:

The City terminated the original contract for the Trinity Neighborhood Improvement Project with Sandmarc Construction for failure to prosecute the work.

On March 3, 2003 the City, in coordination with Merchants Bonding Company of Austin, Texas, entered into a contract with 7-Star Construction, in the amount of \$385,970.55, to complete the work included in Phase I & II of the project under the terms and prices of the original contract.

To expedite completion and reduce further disruption to the residents this change order will provide funds for construction of Phase III of the project. Phase III includes the installation of curb and gutter, sidewalk and storm drainage improvements.

The prices for this change order are from the original contract prices, and negotiated prices for new items. The project is anticipated to be completed in October 2003.

The new contract amount is \$741,409.20

Small Business Opportunity:

7-Star Construction Company, Inc. is certified with the City's Small Business Opportunity Program.

Funding:

Neighborhood Capital Investment Plan

40. Cherokee Storm Drainage Improvements

Action: Approve the Cherokee Storm Drainage Improvements agreement for engineering services with Concord Engineering & Surveying Inc. (CESI) for \$375,000.

Staff Resource: Tim Richards, Engineering & Property Management

Explanation:

The Cherokee Storm Drainage Improvement Project is a high priority capital project bounded by Cherokee Road to the north, Providence Road to the west, Cherokee Road to the east and Scotland Road to the south. There is a history of road and house flooding as well as channel erosion. This agreement will provide funding for planning services to select the best solution to alleviate the flooding. It is anticipated that this contract will be amended in the future

for design services. The project is anticipated to begin in third quarter 2008 and be completed by second quarter 2010.

Funding:

Storm Water Capital Investment Plan

41. East Providence Storm Water Capital Improvement Project

Action: Approve an amendment for engineering services for the East Providence Storm Water Capital Improvement Project for Armstrong Glen in the amount of \$372,536.50.

Staff Resource:

Tim Richards, Engineering & Property Management

Explanation:

The East Providence Storm Drainage Improvement project will reduce street and house flooding on East Providence, Davis Drive, and Allenwood Road. These streets are located just south of McKee Road and east of Martin Freeway in southeast Charlotte. The project is anticipated to be complete in October 2006.

On May 28, 2002, Council approved an agreement for \$159,520 with Armstrong Glen PC for planning phase services. This amendment will provide funding for the design phase services.

Funding:

Storm Water Capital Investment Plan

42. Morris Field Drive Widening

Action: Approve an agreement for engineering services for the Morris Field Drive Widening project with US Infrastructure of Carolina, Inc. for \$128,456.

Staff Resource:

Carl Jarrett, Engineering & Property Management

Explanation:

The Morris Field Drive Widening project was identified as a part of the City's Westside Strategy Plan. The Westside Strategy Plan was developed to encourage economic development and revitalization of Charlotte's West Side.

The project will consist of widening the existing roadway from Wilkinson Blvd. to Billy Graham Parkway to include sidewalks, planting strips, bicycle lanes, landscaped medians, and enhanced lighting.

Council approved the original agreement for this project on December 14, 1998 in the amount of \$479,185. On December 11, 2000, City Council approved an amendment in the amount of \$109,390. The amendment provided funding to expand the original scope to determine the feasibility of turn lanes on Billy Graham Parkway, provide conceptual design to replace the bridge over the rail road line that parallels Wilkinson Blvd., design of landscape medians, and bike lanes.

This amendment will provide design funding for: widened planting strips, storm drainage improvements, coordination with new development, coordination with CMU on water main improvements, additional retaining walls, and bringing adjacent streets up to City Standards.

Once designs are finalized, the project is scheduled to begin construction in fall 2003.

Funding:

Transportation Capital Investment Plan

43. Concrete Installation and Repair 2002, Renewal #1

Action: Approve renewal #1 to the contract with Carolina Cajun Concrete, Inc. in the amount of \$285,836.25

Staff Resource: Tim Greene, Engineering & Property Management

Explanation:

The work in this contract includes removal and replacement of deteriorated curb, sidewalk, drives and pavement sections at various locations within the city. Locations for the work are determined through notification by citizens and field review by Street Maintenance. This is the first of three (3) potential renewals.

Small Business Opportunity:

Carolina Cajun Concrete is certified with the City's SBO Program.

Funding:

Transportation Capital Investment Plan

44. Environmental Engineering Services

Action: Approve an amendment for environmental engineering services in the amount of \$200,000 to Hart & Hickman, P.C.

Staff Resource: Tim Greene, Engineering & Property Management

Explanation:

This agreement provides for various environmental studies in connection with property acquisition for capital projects and restoration of City property to meet State and Federal EPA regulations. Services may include:

- Police and Fire Training Academy (PFTA): Design and administration of a site remediation strategy that will allow for redevelopment of the former fire pits area. This site is regulated by the State EPA's Division of Waste Management – Hazardous Waste Section. On April 30, 2003, the State's EPA gave final approval of a site closure plan for contaminated soils at the PFTA.
- Phase I and Phase II site assessments for City property acquisitions and right-of-way purchases;
- Asbestos surveys of buildings in preparation for demolition or renovation and support of the City's Asbestos Program.

Funding:

Facility Investments Capital Investment

45. **Arena Construction Materials Testing and Special Inspections**

Action: Approve an agreement for the new Charlotte Arena for construction materials testing and special inspections with MACTEC for \$750,000.

Staff Resource: David Garner, Engineering & Property Management

Explanation:

This agreement will provide funding for testing of construction materials used in building the new Charlotte Arena and for special inspections required by the International Building Code. MACTEC was chosen to provide the services through a qualification based selection process.

Funding:

Economic Development Capital Investment Plan

46. **Fleet Management Master Plan**

Action: Approve an agreement for master planning and programming services for Fleet Management facilities with Dalton Moran Robinson Architecture, PLLC for \$114,630.

Staff Resource: David Garner, Engineering & Property Management

Explanation:

In February 2003, Council approved the relocation of the Light Equipment Garage from the current location in Central Yard. This was one part of the group of actions Council took in support of the Piedmont Courts Hope VI application.

This contract is the first step in the relocation of the Light Equipment Garage. This study will include an inventory of all existing Fleet Management facilities, services and equipment, an assessment of future needs, and a master plan for all future facilities needed to provide services to the 380 square mile, fully annexed City. The master plan will address the location, size and services to be provided specifically for the relocated Light Equipment Garage. This study will be followed by a contract for the design of the new garage.

Dalton Moran Robinson Architecture, PLLC was chosen to provide the services through a qualification based selection process.

Funding:

Facility Investment Capital Investment Plan

47. Lease Amendments for Wireless Antenna Leases

Action: Authorize the execution of Lease Amendments to (4) Wireless Antenna Leases between Cricket North Carolina Property Company and the City of Charlotte.

Staff Resource: Tim O'Brien, Engineering & Property Management

Explanation:

Cricket Communications has filed for reorganization under Chapter 11, allowing Cricket to have the option of voiding the leases and move off the tanks/towers that they lease from the City. Voiding the leases could result in a total loss of \$62,899.20 annually.

Should Cricket fail to exist, Cricket's customers would likely sign up with other carriers. These carriers, for the most part, already have their own network of antennas. Therefore, the City may not be able to regain the income stream that exists today.

Cricket proposed a 40% rent reduction on its four leases. Staff negotiated a 20% reduction in rents for three years only, with the City receiving \$50,909.91 annually. The rental rate would then return to the original negotiated terms. The compromised settlement should help to aid Cricket in

coming out of bankruptcy while at the same time the City would not risk losing the majority of the income stream.

Background:

The following is a list of locations where Cricket antennas exist:

- 2035 Patton Street water tank site
- 3701 Craig Avenue water tank site
- 422 Pecan Avenue water tank site
- 6230 North Tryon St. antenna tower

Each lease began with 5-year terms and four 5-year renewals. One lease began in November 2000 while the other three leases began in June 2001.

48. Center City Transportation Study

Action: Approve contract with HNTB Consultants in the amount of \$495,000 to prepare a Center City Transportation Study in support of the 2010 Center City Vision Plan and CATS Transit Systems Plan.

Staff Resource: Norm Steinman, Transportation

Explanation:

CATS, CDOT and CMPC staff are proposing the preparation of a Center City Transportation Study. The study will include a review of land use and transportation impacts of projected growth in the Center City area. Some of the key components include urban design, multi-modal transportation planning, and defining of parking strategies. A doubling of jobs and residents has been predicted for Center City over the next 25 years.

Key objectives for the study include:

- Defining transportation strategies to support Center City's full potential for economic development, entertainment and tourism, and as a work-live-play environment
- Re-orienting the focus of Center City transportation away from autos and toward other modes to:
 - enhance economic development
 - enhance quality of life, and
 - complement planned transit investments

The primary Work Tasks of the Study include:

- Identifying and engaging the stakeholders
- Applying traffic model and review related studies
- Analyzing "Best Practices" from other major cities
- Defining alternative design and development scenarios
- Refining and analyzing design and development scenarios
- Using analysis and public review to select recommended scenarios
- Refining recommended scenario into a Final Plan

A critical component of the study will be involvement of key stakeholders as well as the general public. Specific stakeholders in and near Center City will be engaged through various means, including interviews and workshops. HNTB Consultants of Charlotte, and an associated team of sub-consultants have been selected to prepare this study, with the Charlotte Department of Transportation serving as the managing agency. The consulting team selected because of their relevant experience with the key components of the study.

The contract shall not exceed \$495,000 and will run from approximately September 15, 2003 to September 15, 2004.

Funding for this effort will be provided by the Metropolitan Transit Commission (MTC) / Charlotte Area Transit System (CATS). CATS has agreed to fund this effort because the entire Center City Transportation system needs to be integrated with on-going transit planning and land use planning activities.

Funding:

Transportation Capital Investment Plan

49. Historic Trolley Agreements, Acquisitions and Design and Construction Management Services

Action: Authorize the City Manager or her designee to execute:

- A. 1. Memorandum of Understanding (MOU) between the City of Charlotte and Charlotte Trolley Inc. (CTI) as to their joint operations regarding trolley activities,**
- 2. Agreement between Charlotte-Mecklenburg Historic Landmarks Commission (CMHLC), Charlotte Trolley, Inc. (CTI) and the City of Charlotte for the transfer of Vintage Trolley Car 85 from the CMHLC to CTI, with the City to pay approximately \$200,000 for its restoration,**
- B. 1. Lease 2 replica trolley cars from the Central Arkansas Transit Authority (Little Rock, AR) for up to 12 months at a cost not to exceed \$165,000, and**
- 2. Purchase 3 new replica trolley cars to be manufactured by Gomaco Trolley Company off an option currently held by the Hillsborough Area Regional Transit Authority (Tampa, FL) at a price not to exceed \$2,109,000,**
- C. 1. Thirty- month Lease Agreement between South Boulevard Properties, Inc. and the City for the existing Atherton Mill Trolley Barn with a base rent of \$8,131.25 a month,**
- 2. Thirty- month Sublease for certain space within the Atherton Mill Trolley Barn between the City and Charlotte Trolley Inc. (CTI) to share the facility, and**
- D. Change order to the South Corridor Light Rail Project Design contract with Parsons Corporation for design and construction management services needed for the reconstruction of the trolley barn (operating and maintenance facility) located at South Boulevard and Bland Street at a cost not to exceed \$650,000.**
- E. Adopt a budget ordinance appropriating \$2,500,000 for trolley equipment and construction.**

Staff Resource:

Ron Tober, Charlotte Area Transit System

Policy:

This action is consistent with the 2025 Transit/Land Use Plan for the continued development and expansion of the transit system and specifically for implementation of the South Corridor Light Rail Project.

Explanation:

A. Operating and Ownership Agreements Relating to Trolley Related Activities and Service

Operating Agreement for Trolley Related Activities

Charlotte Area Transit System (CATS) and CTI have negotiated a Memorandum of Understanding relative to future trolley activities in the South End/Uptown areas. The agreement provides that CATS will be responsible for all trolley service operations and maintenance, while CTI will be responsible for its trolley car restoration, museum, education, and fund raising activities. CATS has complete control over rail line access, scheduling and selection of both replica and vintage cars for operation, and service marketing. CATS will obtain trolley barn space and make a portion of such space available to CTI for its activities. CTI is given the right to sponsor fund raising activities using its vintage cars in coordination with CATS. It is also given certain advertising rights and revenues generated therefrom. The term of the agreement is for five years.

Ownership Agreement for Vintage Trolley Car 85

In June 2003, the CMHLC agreed to transfer ownership of vintage trolley car 85 to CTI with the understanding that the City/CATS will pay approximately \$200,000 to restore car 85 and operate it in regularly scheduled public service on the South Transit Corridor. In the event CTI fails to comply with certain terms of the Agreement, ownership of the car will transfer to the City. Should the City/CATS fail to operate the car for a period of 180 days without CMHLC's approval, ownership will revert back to the CMHLC.

B. CATS Replica Trolley Car Acquisition

After significant review by CATS and consultant rail technicians, it was determined that reliable, everyday public transportation service would not be accomplished using only the historic refurbished trolleys now owned by the non-profit Charlotte Trolley Inc. (CTI) organization. At present, only CTI's Car 85 is in operating condition and four (4) additional CTI trolley cars are in various stages of refurbishment. As a key part of planning to take over operations of the service later this year, CATS staff launched a nationwide search for short and long-term acquisitions of new replica trolley vehicles.

Two Replica Cars from Little Rock, AR

The Central Arkansas Transit Authority (CATA) awarded a contract to Gomaco Trolley Company (Ida Grove, Iowa) in early 2001 for three (3) trolley cars for use on their River Rail Streetcar project. Since the River Rail corridor to be used by these cars is not scheduled to open until Fall, 2004, CATA has offered to lease two (2) of their three (3) cars to CATS for about one

year. The two (2) cars to be leased are now in the final stages of completion at the Gomaco factory and will be delivered new, directly from Iowa to Charlotte in late August or early September. CATS plans to use these two vehicles for the bulk of its everyday trolley service, supplementing them with the use of historic Car 85 for peak hour service and special events. A lease agreement has been reached between CATS and CATA for an amount not to exceed \$165,000.

Three Replica Cars Purchased off of Tampa, FL Contract

Gomaco Trolley Company delivered eight (8) replica trolley cars, similar to the Little Rock cars, to the Hillsborough Area Regional Transit Authority (HART) in time for the October, 2002 introduction of replica streetcar service in downtown Tampa. HART's contract with Gomaco included options for additional trolley car purchases and they have agreed to transfer option rights for three (3) trolley cars to CATS. A revision to North Carolina procurement legislation passed by the General Assembly earlier this year allows CATS to "piggyback" off of this Tampa contract and purchase these three (3) trolley vehicles directly from Gomaco. Pending City Council approval, manufacturing of these vehicles is anticipated to take approximately 12 months with delivery to Charlotte occurring next summer, 2004. Following their delivery and acceptance, the lease of the Little Rock cars will be completed and the two (2) cars will be returned to Arkansas.

By piggybacking off of the Tampa contract, CATS takes advantage of competitive pricing of these cars. Their original price to HART was \$613,000 each (\$1,839,000 total for 3 cars) and Gomaco has agreed to honor that base price for the cars provided the option is exercised by CATS before it expires on September 1, 2003. CATS plans to make a number of small modifications and improvements to the Tampa cars such as adding wheelchair lifts, improving the door control and braking systems, and modifications to make the cars compatible with CATS' planned 750-volt light rail operations. These adjustments, along with vehicle delivery and spare parts, are expected to add an additional \$90,000 to the base price bringing the total price to Charlotte for the entire order to an estimated to be \$2,109,000.

C. Lease Agreement with South Boulevard Properties, and Sublease with Charlotte Trolley, Inc. (CTI)

Lease Agreement with South Boulevard Properties

The City needs a facility from which to operate and maintain the vintage and replica trolley cars until such time as a replica trolley barn is constructed and ready for operation at the corner of South Boulevard and Bland Street. Staff has negotiated a lease with South Boulevard Properties, Inc. for the existing Atherton Mill Trolley Barn (near the corner of S. Boulevard and Tremont Street) that is currently leased to Charlotte Trolley Inc. (CTI). The proposed lease is for thirty months with two renewal terms of one year each at an annual base rent of \$12.50 per square foot, plus a proportionate share of the owner's increase in taxes, insurance and common area maintenance fees, should they increase during the term of the lease.

Principal terms of the lease with South Boulevard Properties include the following :

- Premises consist of 7,806 sq. ft. at a base rent of \$12.50/sq. ft. for rent payments of \$8,131.25 per month.
- In addition City will pay its proportionate share (22.63%) of any increase in Owner's maintenance and operations of the rentable square footage of its property.
- Use of the grounds in front of the building is included for installation of an additional track so operation of the trolley cars will be facilitated.
- City will be responsible for any up-fitting costs and utility expenses.
- City may sublease a portion of the trolley barn to Charlotte Trolley Inc.

Sublease Agreement with CTI

CTI may locate new space to rent, or it may share space in the Atherton Mill Trolley Barn with CATS. If the latter, the City will enter into sublease with CTI for the CTI to use of a portion of the space in the trolley barn for some or all of its activities.

Principal terms of the sublease with CTI include the following:

- CTI will pay to the City a prorata share of rent based upon the space used up to a maximum of \$23,430 annually.
- CTI will have the right to occupy a portion of the premises to restore vintage trolleys, operate its museum and gift shop, and/or hold fund-raising events.
- CATS will assist CTI in storing such of its property as is necessary to make room to accommodate both parties in the trolley barn.
- The term will be for 30 months with two one-year renewal options.

D. Design Services for Bland Street Trolley Barn Construction

Per the Memorandum of Understanding between the City and Charlotte Trolley, Inc. and the City's agreement with Mecklenburg County, design and reconstruction of a trolley barn at the former historic trolley barn site at the corner of South Boulevard and Bland Street is to be implemented by CATS. In April 2003, City Council approved a contract with Parsons Corporation to complete final design activities for the South Corridor project. Parsons Corporation will complete the design and construction management work associated with this project in order to coordinate the significant track and operational integration needed between the trolley operations and the South Corridor Light Rail design and implementation.

CATS plans on leasing space for trolley operations at the current Atherton Mill site while the Bland Street design and construction take place. Once construction is completed, CATS will move its Trolley Operations to the new facility.

As part of the property acquisition agreement between the current property owner/developer and Mecklenburg County, demolition of the current Duke Power facility at this site will be implemented later this calendar year. Certain historic components of the facility will be preserved through the demolition and then reused in the new trolley barn construction.

E. Budget Ordinance

A budget ordinance is needed to appropriate \$2,500,000 for trolley equipment and construction.

DBE:

A Disadvantaged Business Enterprise (DBE) participation level of 36.45% has been established for this project.

Funding:

CATS Approved FY2004 Transit Program

Attachment 33

Outline of Principle Terms of Memorandum of Understanding
Budget Ordinance

50. Federal and State Transit Assistance Grants

Action: A. Adopt a resolution authorizing the City Manager to submit grant applications and execute funding with the Federal Transit Administration (FTA) and the Federal Highway Administration (FHWA).

B. Adopt a resolution authorizing CATS CEO to submit grant applications and execute funding agreements with the North Carolina Department of Transportation (NCDOT).

C. Adopt a budget ordinance appropriating \$8,725,000.

Staff Resource: Dee Pereira, Charlotte Area Transit System

Explanation:

The City's Transit Program receives several types of Federal and State grant revenues, which fund a portion of the Charlotte Area Transit System's (CATS) approved capital budget program. The City estimates Federal and State grant participation levels and advances funding from the Transit Fund balance to cover estimated grant revenues. Upon receipt of the grant revenues, funds advanced to the program revert back to the Transit Fund balance.

Council is requested to adopt a budget ordinance for:

- A. Action A estimates new FY2003 Federal allocations for CATS capital program to be \$6,980,000. Appropriations are estimated to be received for the following grants:

Congestion Mitigation and Air Quality (CMAQ) Grant totaling \$4,980,000 through the FTA. CMAQ funds will be utilized to purchase six buses, transit centers, and park and ride lots.

National Corridor Planning and Development (NCPD) program also known as the Borders and Corridors Program through the FHWA totaling \$2,000,000. NCPD funds will be utilized to fund a portion of the preliminary engineering for the North Corridor and the Charlotte Multi-Model Station (CMMS).

- B. Action B authorizes the CATS Chief Executive Officer to submit NCDOT grant applications and execute contracts to receive State-matching funds.

Grant applications to NCDOT total \$872,500 and include:
 State matching funds for the FTA CMAQ grant - \$622,500
 State matching funds for the FHWA NCPD grant - \$250,000

- C. The budget ordinance appropriates \$8,725,000, including \$6,980,000 in Federal grants, \$872,500 in State grants and \$872,500 in local funds. In order to implement the projects, amounts equal to the Federal and State grants will be advanced from the Transit Fund fund balance until receipt of the grants.

Funding:

Federal and State grants
 Transportation Capital Investment Plan

Attachment 34

Resolution
 Budget Ordinance

51. Bus Procurement Contract

Action: A. Exercise the Year 3 Option within an existing contract with the Gillig Corporation to purchase up to 30 buses for an amount not to exceed \$10,600,000, and

B. Approve and authorize City Manager or her designee to execute a contract between the City of Charlotte and Optima Bus Corp. (formerly Chance Coach, Inc.) for the purchase of three (3) Gold Rush trolley buses in the amount not to exceed \$900,000.

Staff Resource: Keith Parker, Charlotte Area Transit System

Policy:

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

Explanation:

Gillig Bus Purchase

On March 25, 2002, Council approved a competitively procured five-year contract with the Gillig Corporation (Hayward, CA) that provides Charlotte Area Transit System (CATS) with the option to purchase three (3) different types of buses over the next five years. The high floor 40-foot suburban buses are designed with amenities, such as upholstered seating and reading lights, to provide comfortable service on the express routes where customers ride for longer distances. The low floor 40-foot buses are designed to provide quick and easy access for the high volume ridership on local routes. The low floor 29-foot buses are smaller vehicles designed to provide service for the hubs at the Beatties Ford, Eastland and Arrowood locations.

The buses purchased under this “Year 3 Option” will be utilized to expand local and express services as well as replace buses that have reached the end of their useful lives. The number of buses that will be purchased each year is in compliance with CATS approved 5-Year Capital Program.

In FY2004 CATS plans to purchase:

- 8 high floor 40-foot suburban buses
- 21 low floor 40-foot buses
- 1 low floor 29-foot bus

By exercising an option to the existing contract for an amount not to exceed \$10,600,000. These buses would be ordered now and arrive in Charlotte for use in June 2004.

Optima Gold Rush Trolley Buses

Under new state legislation passed earlier this year and approved previously by Council, CATS may “piggyback” off of other transit agency contracts for vehicles. CATS has identified a cost effective piggybacking opportunity with the Central Oklahoma Transportation and Parking Authority (COTPA) in Oklahoma City, OK. In 2000, COTPA conducted a competitive procurement for trolley buses and they have agreed to assign an option for three (3) trolley buses to CATS. These vehicles would be used to expand the Uptown Gold Rush circulator service in the coming years. Ridership on the Gold Rush now approximates 5,000 trips every day having grown over 17% from a year ago. Staff is currently analyzing several expansion options and conducting public involvement activities with the Uptown neighborhoods and business community regarding new routes that will require these new trolley buses.

To comply with the requirements of N.C.G.S.A. 143-129(g), a notice of the City's intent to utilize the COPTA contract to obtain these vehicles was published in *The Charlotte Observer* on July 18, 2003.

DBE:

Both Gillig Corporation and Optima Bus Corp. are in compliance with the Federal Transit Administration's (FTA) regulation 49 CFR Part 26.45 which requires DBE certifications from Transit Vehicle Manufacturers as a condition of being authorized to bid on transit procurements funded by FTA.

Community Input:

Metropolitan Transit Commission and Transit Services Advisory Committee.
CATS' Countywide Transit Services Plan

Funding:

Transportation Capital Investment Plan

52. Municipal Agreement–Construction of Pedestrian/Bicycle Pathway Between Heather Lane and Belrose Lane

Action: A. Approve a resolution to authorize the Key Business Executive for Transportation to execute a Municipal Agreement between the City of Charlotte and the North Carolina Department of Transportation (NCDOT) for construction of a pedestrian/bicycle pathway between Heather Lane and Belrose Lane. This action requires approval of a budget ordinance; and

B. Adopt a budget ordinance appropriating \$126,000 in Federal Government grant funds (through and NCDOT Enhancement Agreement) for bicycle, pedestrian, and Streetscape/Landscape projects designed to improve non-automobile connectivity.

Staff Resource: Ken Tippett, Transportation

Explanation:

NCDOT, through an Enhancement Agreement, has agreed to partially fund the construction of a new pedestrian/bicycle pathway between Heather Lane and Belrose Lane in Charlotte. The agreement also calls for a pedestrian bridge replacement, as well as the reconfiguration of the Park Road and Heather Lane intersection. A Municipal Agreement between the City and NCDOT is necessary.

The purpose of this pathway is to improve bicycle and pedestrian accessibility to a shopping center for trips that would otherwise be made by motor vehicle.

This project is part of a larger demonstration project identified in the Charlotte-Mecklenburg Bicycle Transportation Plan.

This Enhancement Agreement utilizes federal transportation funds that are earmarked for Bicycle, Pedestrian, and Streetscape/Landscape projects. NCDOT has set up a competitive process to award the money, and the City (through the Bike Program) was selected for funding.

The Municipal Agreement provides for eighty percent (80%) reimbursement from NCDOT, not to exceed \$126,000. The format and cost sharing philosophy is consistent with past municipal agreements.

Funding:

Transportation Capital Investment Plan

Attachment 35

Resolution

Budget Ordinance

53. Municipal Agreement–Construction of Improvements to Graham Street North of the NCDOT B-3003 Bridge Project

Action: Authorize the City Manager to execute a Municipal Agreement between the City of Charlotte and the North Carolina Department of Transportation (NCDOT) for the construction of improvements to Graham Street in addition to the NCDOT B-3003 bridge project currently in construction in Charlotte for up to \$1,200,000.

Staff Resource: Tim Greene, Engineering & Property Management

Explanation:

Funding for the Graham Street Widening Project was included in the 1998 voter-approved street bonds. This agreement allows for NCDOT to construct the following improvements to Graham Street as included in the Graham Street Widening Project: grading, drainage, paving, curb, gutter, sidewalk, and utility adjustments. These improvements are proposed to be constructed directly adjacent to the NCDOT B-3003 bridge project currently in construction. City collaboration with NCOT to administer the contract will:

- Facilitate the coordination of traffic
- Minimize any delays of the projects, shortening public inconvenience
- Minimize impact to Panther game-day traffic and other special event traffic in the uptown area
- Eliminate the need to redesign the traffic control plans
- Simplify the final paving and pavement markings coordination

Final costs for the work covered by the Municipal Agreement are being negotiated with NCDOT's contractor. These costs will be reimbursed to the state by the city consistent with past Municipal Agreements.

Funding:

Transportation Capital Investment Plan

54. Asphalt Paving Machine

Action: A. Reject the low non-responsive bid of \$189,665 by Mitchell Distributing Company of Charlotte, North Carolina, and

B. Approve a contract with A.E. Finley & Associates, Inc. of Charlotte, North Carolina in the amount of \$202,074 for one asphalt paving machine.

Staff Resource: Layton Lamb, Transportation

Explanation:

Four bids were received in response to Invitation to Bid #2003-098. The apparent low bid submitted by Mitchell Distributing Company did not comply with the specifications and is considered non-responsive.

Mitchell Distributing proposed a paving machine with a classified speed of 0-165 feet per minute (fpm) which does not meet the specified 0-365 fpm. The lower class machine will result in a significant reduction in productivity over the life of the paver. The current total cost estimate for the paving crew is \$2,401.52 per day. A reduction in productivity of less than 1% multiplied over ten years would exceed the \$12,409.00 difference in the low and second low bids.

The low bid also submitted a 15 ft. operating width instead of the specified 16 ft. width, which would increase the time required to perform the required work.

Other specifications including transport width, type of screed, number of engine cylinders and feed tunnel size were also not met. These specification discrepancies will require additional fuel and an increase in maintenance cost.

Street Maintenance Division therefore recommends the award of a contract to the second lowest bid that meets all specifications.

Small Business Opportunity:

Established SBE Goal: 0%

SBE Committed Goal: 0%

The Small Business Development Program Manager waived the SBE goal for this project. In order to establish a goal for the project, there must be SBE

firms certified in the City's Vendor Management System to perform the subcontracting opportunities identified for the project. There were no SBE firms certified to perform on this project.

Funding:

Transportation Operating Budget

55. **SafeLight Ordinance Amendments**

Action: Adopt an ordinance amending the *SafeLight* regulations to comply with the provisions of House Bill 786.

Staff Resource: Mike Boyd, City Attorney's Office

Explanation:

The proposed ordinance would amend the City's *SafeLight* regulations to comply with the requirements of House Bill 786, which was ratified on July 18, 2003.

House Bill 786 was requested by the rental car industry to provide protection against late notification by municipalities (not Charlotte) that their leased vehicles had run red lights or been issued parking citations. In addition to excusing owners of vehicles who are not notified within 90 days of the violation, the legislation extends the deadline from 21 to 30 days to pay a *SafeLight* citation, file a notice of appeal, or transfer responsibility to the person who had control of the vehicle at the time of the violation. The legislation also specifies that a transfer of responsibility must be through a sworn affidavit.

House Bill 786 requires local ordinances to be conforming.

Attachment 36
Ordinance

56. Change Order Request for Solid Waste Services Collection Zone Contracts

Action: Authorize the City Manager to approve a change order related to all four managed competition Solid Waste Services Collection Zone Contracts to cover the following items:

- A. Contract adjustments in the amount of \$1,327,728 for the period July 1, 2000 through June 30, 2002, and**
- B. The corresponding unit price adjustments that would be carried forward for the duration of the contract periods.**

Staff Resources: Wayman Pearson, Solid Waste Services
Greg McDowell, Internal Audit

Explanation:

As a result of the managed competition process, the City has contracted with City Solid Waste Services (SWS) to provide rollout, recycling, yard waste, and bulky item collection over the past several years. Up until June 30, 2003, these services were provided by City forces for all four collection zones under four different competition contracts.

A significant part of the competition process is to ensure rigorous monitoring of performance and auditing of the expenses charged to each contract. Staff and the Privatization/Competition Advisory Committee (PCAC) have completed its review of contracts for the period July 1, 2000 through June 30, 2002.

A joint Solid Waste Services/Monitoring Subcommittee of the PCAC originally discussed the potential use of a change order to address certain types of managed competition expenses in January 2002. The Subcommittee concluded that a change order could be used to address uncontrollable and unpredictable expenses. Examples of these expenses are capital financing differences, equipment maintenance and fuel.

In February 2002, the Subcommittee presented its recommendation to the full PCAC and the PCAC approved the need for a SWS change order. Since the required funding level for the change order had not been determined, the PCAC asked staff to report back regarding target and non-target expenses related to maintenance costs.

SWS uses the City's Equipment Management Division for fleet maintenance. The City defines target equipment maintenance expenses as routine or predictable expenses that include such items as oil changes and tire or brake replacement. Non-target expenses relate to non-routine or unpredictable

repairs. Examples include accident repairs, repairs due to acts of nature, vandalism and some non-standard modification of vehicles.

Solid Waste staff, after consultation and review with Budget and Evaluation and Internal Audit, recommends for Action A. that the change orders for the four zones address the following four items for the two year time period July 1, 2000 through June 30, 2002:

Capital Financing	\$228,109
Maintenance (Non-target)	786,998
Fuel	188,140
Capital Funding	124,481
Total	\$1,327,728

Capital Financing is the difference in the anticipated SWS bid truck purchase prices and lease purchase rates and their actual prices and rates. Maintenance (Non-target) refers to non-routine or unpredictable repairs. Fuel relates to the uncontrollable higher cost of motor fuel. Capital Funding is due to the additional maintenance cost incurred from SWS having to use trucks older than anticipated in its bids. The bids were based on using more new trucks than was possible due to a lower level of available capital funding.

For Action B, staff recommends that unit cost adjustments be made to the FY02 Unit Price (UP) for each zone as follows:

SWS Contract Collection Zone	FY02 (6/30/02) Unit Price	Unit Price Adjustment	New FY02 Unit Price
West	\$6.09	\$0.29	\$6.38
East	\$6.62	\$0.28	\$6.90
North	\$5.92	\$0.56	\$6.48
South	\$8.07	\$0.07	\$8.14

These unit price adjustments will be carried forward for the duration of each collection zone contract.

The PCAC voted on July 10, 2003 to support a change order to address designated expenses in the SWS Collection Zone Contracts.

Staff, working with the PCAC, has taken steps to refine subsequent competitive bid processes to address the items that are causing the request for this change order. It is not anticipated that a change order of this type or magnitude will be necessary in the future.

In spite of this change order, the City's costs will continue to be substantially less than the private sector bids for each collection zone. The City's initial bids ranged from 21 to 42 percent lower than the lowest private sector bids. Refer to Attachment B for a comparison of bids and the affect of the change order upon unit prices.

The implementation of this change order will be facilitated by the reallocation of existing funds within the Solid Waste Services Operating Budget and will not require any additional budget appropriation.

The reason for the time lag in bringing this change order forward is due to Solid Waste staff also being involved in preparing for the 2003 Annexation, the competitive bid process for the West Zone and preparing the reimbursement request for FEMA for the December 2002 ice storm.

Funding:

Solid Waste Services Operating Budget

Attachment 37

Solid Waste Services Change Order Issues By District

Solid Waste Services Collection Contracts City Bids vs. Lowest Private Sector Bids and Change Order Impact

57. Arena Financing Installment Payment Amendment

Action: Approve a resolution amending an installment payment contract to provide up to approximately \$140 million in funding for an uptown arena.

Staff Resource:

Greg Gaskins, Finance

Explanation:

On November 11, 2002, Council approved an arena financing model. In order to implement this plan it will be necessary to issue an installment payment contract for up to \$200 million to finance the acquisition of land and the construction of an arena and related improvements. On April 28, 2003 Council held a public hearing and authorized an installment purchase contract for up to \$200 million. The City subsequently issued \$41 million on May 28, 2003, primarily for the purchase of land. The balance was to be issued in June 2004. However, current low interest rates, and the related advantage to the Arena Financing Model, make it possible to issue approximately \$135 million now.

Background:

On November 11, 2002 Council approved an arena financing model and established and appropriated the \$265 million to the Sports and Entertainment Capital Projects Fund. This resolution is part of the process to provide funding for that appropriation.

Funding:

Tourism Capital Projects Fund - Arena

Attachment 38

Resolution

58. Donation of Technology Related Equipment

Action: **A. Declare as surplus the attached list (Exhibit A) of laptop computers, and**

B. Approve the donation of same to expand the program “Classroom Connection” promoting E-learning, as successfully piloted at Dilworth and Cotswold Elementary Schools in conjunction with the Chamber of Commerce.

Staff Resource: Susan Johnson, Business Support Services

Explanation:

North Carolina G.S. 160A-274 authorizes the donation of City property to another governmental agency.

These City computers are surplus property and have been replaced through the refresh program. This is the second year of donation by the City.

The e-learning initiatives program originated within the Charlotte Chamber’s Information Technology Council (ITC) and aligned with the ITC’s mission to further develop technology in education.

The program integrates traditional classroom learning with web-based instruction. Students are provided with computer resources that encourage an anywhere, anytime, and anyplace computing environment. The pilot program provided laptops to every 5th grade student and their teachers at Cotswold Elementary School. Students were able to take the laptops home during after school hours. The program has expanded to provide laptops for 4th graders at Cotswold and mobile laptop labs at Olympic and Harding High Schools. With this donation, more schools will be included in the program.

Project goals are to achieve improvements in test scores and raise student’s eagerness to learn. At the elementary level, “Classroom Connection” serves 225 fourth and fifth grade children at two Charlotte-Mecklenburg Schools (Dilworth and Cotswold). The demographics of both schools include an above-average number of “at-risk” students, as defined by certain socio-economic measures (51% and 56% free or reduced lunch), compared to 40% CMS average.

Historical data estimates the cost of the referenced laptops to range from \$25-\$50 at our auction sale. The laptops have been stripped of all data and software through the normal surplus process.

Attachment 39

List of property to be declared as surplus

59. Amendment to Charlotte City Code, Chapter 16, Section 16-36, Citizens Review Board

Action: Adopt an ordinance amending Charlotte City Code, Chapter 16 Section 16-36, Citizens Review Board to delete the requirement that a regular meeting be held once a quarter.

Staff Resource: Mike Boyd, City Attorney's Office

Explanation:

The Citizens Review Board is currently required to hold a regular meeting on a quarterly basis regardless of any pending business before the Board. The proposed amendment removes the requirement that the Board must meet on a quarterly basis and replaces it with a process that allows the Board to hold a regular meeting if necessary. The amendment does not change the essential duties and responsibilities of the Board such as reviewing citizens' appeals. The Board has met on this issue and has requested the amendment be passed by the City Council.

Attachment 40

Ordinance

60. Emergency Management Grant-US Department of Justice

Action: A. Enter into a grant agreement with the North Carolina Division of Emergency Management (NCEM), on behalf of the U. S. Department of Justice, in the amount of \$102,549 to assist in preparing for response to terrorist events, and

B. Adopt a budget ordinance appropriating \$102,549 in Department of Justice grant funds for preparedness and mitigation enhancements in response to incidents involving weapons of mass destruction.

Staff Resource: Stephen Norman, Fire

Explanation:

To assist local communities in preparing for response to terrorist events, Congress established the weapons of mass destruction program coordinated by the United States Department of Justice and the Federal Emergency Management Agency (FEMA). This particular grant, issued by the Department of Justice, may be used for equipment enhancements to preparedness and mitigation procedures involving terrorism. Adoption of the ordinance will facilitate terrorism preparedness for Charlotte and Mecklenburg County. In North Carolina, the Weapons of Mass Destruction program is administered by the North Carolina Division of Emergency Management.

Funding:

U. S. Department of Justice Grant

Attachment 41

Budget Ordinance

61. **Emergency Management Grant –Federal Emergency Management Association (FEMA)**

Action: A. Enter into a grant agreement with the North Carolina Division of Emergency Management (NCEM), on behalf of the Federal Emergency Management Agency (FEMA), in the amount of \$95,737 to assist in preparing for response to terrorist events, and

B. Adopt a budget ordinance appropriating \$95,737 in FEMA grant funds for preparedness and mitigation enhancements in response to incidents involving weapons of mass destruction.

Staff Resource:

Stephen Norman, Fire

Explanation:

To assist local communities in preparing for response to terrorist events, Congress established the weapons of mass destruction program coordinated by the United States Department of Justice and the Federal Emergency Management Agency (FEMA). This particular grant, issued by FEMA, may be used for planning revisions and enhancements to preparedness and mitigation procedures involving terrorism. Adoption of the ordinance will facilitate terrorism preparedness for Charlotte and Mecklenburg County. In North Carolina, the Weapons of Mass Destruction program is administered by the North Carolina Division of Emergency Management.

Funding:

Federal Emergency Management Agency Grant

Attachment 42

Budget Ordinance

62. Appropriation of Funds to the Police Department- Foundation Grants

Action: Adopt a budget ordinance appropriating:

- A. \$25,000 from the Foundation of the Carolinas to the Animal Control Bureau to provide spay/neuter services in low income areas, and**
- B. \$30,000 from the Triad Foundation for equipment for community policing and traffic enforcement activities in the Baker One District.**

Staff Resources: Captain Tammy Williams, Police
Captain Mike Campagna, Police

Explanation:

The Police Department has received two donations to assist in some of its operations. No matching funds are required to accept these donations.

The Foundation for the Carolinas has given a \$25,000 grant to the Animal Control Bureau to use for spay/neuter services in low income neighborhoods. The funds will be used to increase the number of mobile spay neuter clinics held in low income neighborhoods. Animal Control plans to hold one mobile clinic per month. Some of the funds may also be used to pay individual veterinarians to provide low cost spay neuter services.

The Triad Foundation has given the Baker One District a \$30,000 grant to purchase equipment to be used in its traffic enforcement and community policing efforts. The equipment will include hand-held radars, traffic cones, two police patrol bicycles with duty gear and uniforms for bike officers, digital cameras, a digital video camera with super night shot capability and a projector and laptop computer to be used for community presentations.

Attachment 43

Budget Ordinance

63. Appropriation of Donated Funds to Police Department – Animal Control Division

Action: Adopt a budget ordinance appropriating \$10,000 in donated funds to assist in the care and support of animals housed in the facilities at the Animal Control Division.

Staff Resource: Captain Tammy Williams, Police

Explanation:

Numerous donations are given to the Animal Control Division of the Charlotte-Mecklenburg Police Department by concerned citizens wishing to help the animals housed at the city-owned facilities. To ensure the animals receive a direct benefit from these donated funds, the Police Department requests that the funds be appropriated into an unexpendable line item in their budget that will only become available for spending when an equal amount of donations are received to offset expenditures.

Attachment 43

Budget Ordinance

64. Grant Funds for Police Crime Lab

Action: Adopt a budget ordinance appropriating \$11,025 in grant funds from the North Carolina Governor's Crime Commission to purchase equipment for the Police Crime Lab.

Staff Resource: Roger Thompson, Police

Explanation:

The Police Department has received \$11,025 in grant funds from the Governor's Crime Commission for the use of the Crime Lab. The funds are federal funds that have been distributed to the state under the Paul Coverdell National Forensic Improvement Act. The funds will be used to purchase a color digital camera and software for the Firearms Section and a diamond compression cell that will aid in the microscopic analysis of fiber and paint chip evidence. \$1,335 of the funds will be used to cover the annual accreditation fee for the lab.

Funding:

Federal Funds

Attachment 43

Budget Ordinance

65. North Carolina Department of Insurance Grant

Action: A. Approve acceptance of a grant from the North Carolina Department of Insurance/Office of the State Fire Marshal for \$5000 to fund a permanent child safety seat checking station at the Fire Investigation Task Force, and

B. Adopt a budget ordinance appropriating \$5,000 to the Charlotte Fire Department for purchases related to the installation of the child safety checking station.

Staff Resource: Jeff Dulin, Fire

Explanation:

The Charlotte Fire Investigation Task Force is the lead agency for the Charlotte-Mecklenburg Safe Kids Coalition. One of SafeKids' priority programs is to check infant and child safety seats to ensure that they are properly installed, to prevent injuries during vehicle wrecks. This grant will enable the fire and lifesafety educators to purchase the equipment and supplies they need to have a permanent station to check a seat's installation whenever a member of the public requests one. The percentage of safety seats installed by parents incorrectly is high, generally about 90 percent, which has led to unnecessary child injuries and deaths.

Attachment 44

Budget Ordinance

66. Police Assets Forfeiture Funds Appropriation for Equipment

Action: Adopt a budget ordinance appropriating \$45,520 in police assets forfeiture funds for the purchase of exercise equipment for the Police Department.

Staff Resource: Greg Crystal, Police

Explanation:

The Police Department needs to replace worn out fitness equipment in workout rooms at the Police Academy, Police Headquarters, and Adam One, Baker Two, and Charlie Two District Offices. The department wishes to appropriate \$45,520 from its assets forfeiture funds for the purchase of the equipment.

Funding:

Police Assets Forfeiture Funds

Attachment 43
Budget Ordinance

67. Contract for Development of Police Justice Integration Server

Action: Approve a contract between the Charlotte-Mecklenburg Police Department and Briyante Software Corporation for an integrated justice database query application with site and 2000 user licenses. The costs are estimated to be \$159,000.

Staff Resource: Ron Horton, Police

Explanation:

The Police Department is integrating four of its databases (Investigative Data Collection System, the District Attorney Papering System, the Open Homicide Alert System and the Records Management System) to allow officers to put in search criteria to see related cases or whether suspects have been involved in and/or convicted of similar incidents.

Briyante Software Corporation has a patent-pending architecture that will integrate the four databases using a standards-based web services application that is built on Microsoft's NET platform. The Justice Integration Server allows creation of queries on disparate systems with little or no programming. Under the terms of this contract, Briyante will provide personnel, parts, software and hardware licenses, and other materials to develop a query application, install it on a Justice Integration Server, and train Police Computer Technology Services personnel on its use and maintenance. Because of the unique capabilities and new technology developed by this vendor, the application should be complete within two months.

CMPD researched other products and vendors such as COPLINK and INFORMANT as well as the systems that Briyante developed for other agencies such as the King County Washington Regional Automated Information Network. The Justice Integration Server developed by Briyante was found to be the most cost and time efficient, is user friendly, and has reasonable annual maintenance costs of \$9,500.00.

The \$159,000 cost includes one year of free software and architecture upgrades for the system. This is one of the projects funded under the COPS MORE 98 grant from the U.S. Department of Justice that must be completed by February 28, 2004.

Funding:

US Department of Justice Grant

68. Comprehensive Data Solutions, Inc. Contract Amendment

Action: Approve an amendment, in the amount of \$149,760, to the contract between the Charlotte-Mecklenburg Police Department and Comprehensive Data Solutions, Inc. for technical consulting, quality assurance, software testing, and project management services.

Staff Resource: Ron Horton, Police

Explanation:

Comprehensive Data Solutions consultants have provided quality assurance, requirements identification, software testing, and project management support to CMPD's Computer Technology Solutions Section since 2000. CMPD would like to extend these services for another year with the option of one additional year's renewal. Among the ongoing projects that require completion and full implementation are the development and testing of the National Incident Based Reporting System (NIBRS) which is replacing the FBI's Uniform Crime Reporting System (UCR). Comprehensive Data Solutions also provides ongoing support, monitoring, and enhancements to the department's CAD system and KBCOPS Records Management System. The requested amendment to the contract will expand the consultant's work to include support for several other projects that must be completed in 2004 under the department's COPS 98 grant.

Council approved the original contract with Comprehensive Data Solutions on June 26, 2000 with subsequent amendments on August 27, 2001 and July 22, 2003. This amendment covers the 12-month period from August 31, 2003 to August 30, 2004 with an optional one-year renewal.

Funding:

US Department of Justice Grant, 911 Surcharge Fund, and PoliceFY2004 Operating Budget

69. BANNER Software Technical Maintenance and Support

Action: Authorize the annual software maintenance and support payment to Indus Utility Systems, Inc. for \$191,000 for the BANNER Billing and Customer Information System (CIS) for the period September 1, 2003 through August 31, 2004.

Staff Resource: Greg Gaskins, Finance

Explanation:

On August 25, 1997, Council approved the BANNER software license and maintenance and support agreements with SCT Utility Systems. In 1999, the system was implemented and the City began using the new Utility Billing and Management System. The system is used to bill and collect for

about \$175 million annually as well as to process work orders for Water, Sewer, and Storm Water related services. It is a critical business tool that is essential for customer service delivery and management information for Finance, Charlotte-Mecklenburg Utilities, the Customer Service and Information Center, and both City and County Storm Water.

BANNER CIS is the core software application of the Utility Billing and Management System. In accordance with the software license warranty, Indus Utility Systems, Corp. (formerly SCT Utility Systems) provides maintenance and support services for the BANNER CIS system.

The BANNER software technical maintenance and support agreement renews on an annual basis and provides the City with software updates and problem resolution assistance and is essential to help ensure the uninterrupted operation of the Utility Billing and Management System.

Funding:

FY2004 Finance Operating Budget

70. Public Access Ordinance Amendments to Time Warner Cable Franchises

Action: Approve amendments to the Time Warner Cable Television Franchise Agreements to allow Time Warner to deduct a 2% bad debt allowance on Public Access Support Fund payments to the Charlotte Mecklenburg Public Access Corporation.

Staff Resource: Doris Boris, Business Support Services

Explanation:

Council is asked to approve amending Time Warner cable television franchise agreements to establish a flat percentage amount as an allowance for bad debts on Access Support Funding payments.

In April 2000, the Council approved amendments to the two Time Warner cable television franchise agreements. The amendments replaced Time Warner's previous obligation to directly provide public access services with a requirement that Time Warner make public access support payments directly to the Charlotte-Mecklenburg Public Access Corporation. The amendments set the initial access support at 20 cents per subscriber per month. Pursuant to a Consumer Price Index adjustment factor, the current payment is 21 cents per month. The amendments also authorized Time Warner to bill the access support amount through as a separate line item on cable bills.

After the amendments took effect, Time Warner's payments to the CMPAC reflected an allowance for "bad debt". While there is some disagreement regarding whether the amendments actually allow for a bad debt allowance, staff now agrees with Time Warner that it would not be appropriate to

require the company to use fees paid by cable subscribers for non-public access services to fund the gap between public access support billings and collections and, therefore, it is appropriate to allow for bad debt.

However, due to the difficulties of determining which portion of Time Warner's total billing bad debt should be allocated to access support and the complexity of accounting for and auditing this bad debt, staff and Time Warner have negotiated a flat 2% bad debt allowance. Staff believes this is a commercially reasonable amount, particularly since Time Warner's reported bad debt has been ranging from 2% to 4%.

If the amendments are approved, Time Warner will also pay \$10,911 to the CMPAC to adjust previously reported bad debt to the agreed to 2% allowance.

Since state law requires ordinances granting or amending a franchise to be passed at two regular meetings of the City Council, this item will also be on Council's August 25, 2003 Business agenda.

Attachment 45

Time Warner Cable (old Cablevision) Amendment
Time Warner Cable (old Vision Cable) Amendment

71. McAlpine Creek Wastewater Management Facility Phosphorus Reduction Project

This item will be included in the Friday, July 25, 2003 Council-Manager Memorandum.

72. Sole Source Procurement of Chlorine Scrubber Equipment for Vest Water Treatment Plant

Action: Approve a contract for \$197,250.00 with Purafil, Inc. for equipment for the Chemical System Improvements project at the Vest Water Treatment Plant.

Staff Resource: Doug Bean, Utilities

Explanation:

In order to comply with the Environmental Protection Agency's Risk Management rule as it relates to the storage and use of liquid chlorine, the Utility Department must install a chlorine scrubber at all of the treatment plants with chlorine on site. The chlorine scrubber is intended to capture and neutralize the chlorine in the event of a chlorine spill at the plant. The department has installed these scrubbers at other locations and needs to proceed to install a scrubber facility at the Vest Water Treatment Plant. Given the need to standardize safety training and procedures at the various treatment plants with scrubbers, it has been determined that the purchase of this scrubber equipment meets the sole source exemption under NC G.S. 143-

129(f). The previous scrubber was purchased from Purafil, Inc. who is the sole source manufacturer of this type of scrubber.

Small Business Opportunity:

SBE Committed Goal: 0%

Purafil, Inc. is the sole source manufacturer/vendor for this equipment. The SBO Program Manager waives SBE utilization goals for this contract. This project did not provide any opportunity for SBE subcontractor utilization.

Funding:

Water and Sewer Operating Budget

73. Phosphorus Reduction at McAlpine WWMF – Professional Services Contract

Action: Approve a contract with CH2MHill for \$2,509,980 to provide construction administration services for the Phosphorus Reduction Project at the McAlpine Creek Wastewater Management Facility.

Staff Resource:

Doug Bean, Utilities

Explanation:

This contract will provide for construction administration services for the Phosphorus Reduction Project at the McAlpine Creek Wastewater Management Facility. The construction services include construction administration, resident field inspection, facility operational instruction, and warranty issue assistance. This project is required as part of an agreement reached between North and South Carolina regulatory officials, and approved by City Council on January 14, 2002. This agreement stated in February 2006, the state would begin compliance for limiting the amount phosphorus discharged into the Catawba river.

The City originally contracted with CH2M Hill in February of 2002 to provide the engineering consulting services for the Phosphorus Reduction Project. CH2M Hill was selected to perform this work in accordance with City Council's approved selection process. Fifteen firms were contacted with a Request for Qualifications. Of these fifteen, six proposals were received and three were short-listed and subsequently interviewed before CH2M Hill was selected. The selection was based on CH2M Hills' qualification to perform all the required engineering services including preliminary design, final design and constructions services. However, in order to avoid encumbering the total amount of funds at once, the project was contracted in three phases. The first phase was preliminary engineering, followed by final design and now, construction services. The construction services contract was mentioned in the request for council action to approve the final design contract in June of 2002.

Funding:
Water and Sewer Capital Investment Plan

74. **Change Order—Cargo Building Construction Contract**

Action: **A. Approve change order #1 in the amount of \$208,541.44 to Choate Construction Co. of Charlotte NC, and**
B. Approve change order #2 deducting \$407,437.52 from the existing contract with Choate Construction Co. of Charlotte, NC.

Staff Resource: Jerry Orr, Aviation

Explanation:

In September 2002, Council approved a contract in the amount of \$2,858,603.01 with Choate Construction Co. to construct a 71,000 square-foot cargo warehouse building in the Charlotte Air Cargo Center.

Change order #1 would add \$208,541 for costs incurred due to delays in obtaining NC Department of Insurance approval of plans. At the time of bid, NCDOI approval was not anticipated.

Change order #2 would deduct \$407,437.52 from the amount of the contract due to changes in the scope of work deleting site work and paving from this contract to avoid continuing delay claims.

75. **Airport Telecommunications System Maintenance Contract**

Action: Approve a contract in the amount of \$140,143.57 with BellSouth for maintenance of the Airport's telecommunications system.

Staff Resource: Jerry Orr, Aviation

Explanation:

Since the new terminal opened in 1982, the Airport has contracted for a dedicated on-site technician to maintain its telephone system. The cost of the technician is spread over all users of the Airport system. This contract will extend the contract with Bell South for another year, retroactive to July 1, 2003. The amount of the contract is unchanged from FY03.

Funding:
Aviation Operating Budget

76. Environmental Assessment for the Relocation of Wallace Neel Road

Action: A. Award a contract to The LPA Group of Columbia, South Carolina in the amount of \$162,364 for the Environmental Assessment for the relocation of a portion of Wallace Neel Road, and

B. Adopt a budget ordinance appropriating \$162,364 from the Discretionary Fund Balance to be repaid from the proceeds of future General Airport Revenue Bonds.

Staff Resource: Jerry Orr, Aviation

Explanation:

In April 1999, the Airport received a Record of Decision for the Environmental Impact Statement (EIS) for the runway project. As part of that project, the Airport was going to relocate Wallace Neel Road to the east side of the newly constructed I-485. However, after further analysis, the Airport determined that the best location for the relocated road is on the west side of Interstate 485. Since the location of the roadway has changed, further environmental analysis will be needed to identify the impact of the road in its new location.

Twelve firms submitted proposals on November 12, 2002. A selection committee comprised of Airport staff, the FAA and Airport Advisory Committee members Frank Gilreath and Pam West met on May 8, 2003. The LPA Group was selected.

Federal Aviation Administration (FAA) DBE Program Compliance:
Yes

Established DBE Goal: 10%

DBE Committed Goal: LPA will attain 10% DBE participation utilizing a team of three subconsultants for architectural, archaeological and noise/air quality services.

Committee Discussion

The Airport Advisory Committee recommends this action.

Funding:

Aviation Capital Investment Plan

Attachment 46

Budget Ordinance

77. Taxiway AA/Corporate Hangar Ramp Construction Contract

Action: A. Award a contract to American Eastern Builders, Inc. of Charlotte, NC in the amount of \$888,845.06 to construct Taxiway AA and adjoining ramp, and

B. Adopt a budget ordinance appropriating \$164,289.30 from the Excluded Fund Balance to fund corporate ramp expansion.

Staff Resource: Jerry Orr, Aviation

Explanation:

This project will construct a new taxiway to provide access to the North Corporate Aviation area and construct an aircraft-parking ramp adjacent to the Coca-Cola Bottling Co. Consolidated (CCBCC) hangar currently under construction.

On November 11, 2002, Council appropriated \$986,634 of Federal Aviation Administration (FAA) grant funds and \$328,878 from the Airport Discretionary Fund Balance for the local share of the taxiway portion of this project. The local share (\$328,878) will be replaced by the proceeds of future General Airport Revenue Bonds, the debt service of which will be paid by landing fees. The \$164,289.30 appropriated for ramp construction will be repaid by CCBCC through lease payments.

FAA DBE Program Compliance: Yes

DBE Goal: 17% (race neutral)

DBE Committed Goal: 100%

American Eastern Builders, Inc. is a certified DBE firm.

Committee Discussion

The Airport Advisory Committee recommends this action.

Funding:

Aviation Capital Investment Plan

Attachment 47

Budget Ordinance

78. Runway 36L Pavement Repair

Action: Award a contract to Arvy Construction, Inc. of Charlotte, NC in the amount of \$552,751.50 for pavement repair of Runway 36L.

Staff Resource: Jerry Orr, Aviation

Explanation:

Runway 36L was constructed approximately 25 years ago. This contract will consist of the removal and replacement of failed concrete slabs to extend the life of the runway. All work will be done at night so that the runway is available for use during the day.

Bids were requested for an opening date of April 8, 2003; however, the Airport did not receive the required amount of bids. The Request for Bids was re-advertised and bids were opened on May 8, 2003.

Council appropriated funds for this project in August 2002 through a Federal Aviation Administration grant (75%) and airport share (25%). Since this contract is federally funded, it is governed by the Airport's Disadvantaged Business Enterprise Program (DBE).

Committee Discussion:

The Airport Advisory Committee recommends this action.

FAA DBE Program Compliance: Yes

DBE Goal: 17% (race neutral)

DBE Committed Goal: 100%

Arvy Construction, Inc. is a certified DBE firm.

Funding:

Aviation Capital Investment Plan

79. Airport Valet Parking Services

Action: Award a five-year contract with Parking Solutions of Columbus, Ohio to provide valet parking services at Charlotte Douglas International Airport.

Staff Resource: Jerry Orr, Aviation

Explanation:

In March 1997, Council approved the acquisition of property located on Old Dowd Rd. that contained a valet parking lot. Council awarded a contract with an independent operator to manage the lot in July 1997. This contract expired in July 2002 and was continued on a month-to-month basis.

The current valet parking operation allows customers to park at the location on Old Dowd Rd. Currently, customers pick up a parking attendant at this remote location, drive with the attendant to the terminal and leave the attendant at the terminal to return the vehicle to the valet parking lot. Upon return the customer is picked up at the terminal curb and returned to the valet parking lot in a shuttle bus operated by the incumbent operator. The

Airport wishes to upgrade the level of service to customers by eliminating the existing service and replacing it with curbside valet parking service at the terminal operated for the Airport by an experienced valet parking company, operating under a management contract with the City.

Requests for Proposals were advertised on November 4, 2002. Three companies responded--Carolina Time, Parking Solutions, Inc. and USA Parking. A selection committee of Airport Advisory Committee members and airport staff selected Parking Solutions to operate the curbside valet parking service based on their proven experience with similar local parking operations.

Under this agreement, Parking Solutions will hire and manage all personnel required to operate this service. Parking Solutions will receive a monthly management fee of \$900 and is eligible for an incentive fee of 5% of annual profits from the curbside valet parking operation. Additionally, Parking Solutions will be reimbursed for allowable expenses according to a budget approved by the Aviation Director.

The approved budget for the first contract year is \$610,634. The Aviation Director, in consideration of the level of service to be provided, will establish the budget for subsequent contract years and the demands of the valet parking market at the Airport.

The estimated gross profit to the City for the first contract year is \$485,002 and the incentive fee for Parking Solutions based upon such gross profit will be \$18,881. The total compensation for Parking Solutions for the first contract year is estimated to be \$28,781. This amount will vary as revenues, expenses and gross profit vary in accordance with actual usage of the valet parking services.

Committee Discussion:

The Airport Advisory Committee recommends this action.

Funding:

Aviation Operating Budget

80. Airport Drive Relocation

Action: A. Award a contract in the amount of \$834,660.15 to Arvy Construction, Inc. of Charlotte NC for the relocation of Airport Drive, and

B. Adopt a budget ordinance appropriating \$2,500,000 from the excluded centers fund balance to be reimbursed from the proceeds of a Military Construction Cooperative Agreement (MCCA) with the North Carolina Air National Guard.

Staff Resource: Jerry Orr, Aviation

Explanation:

On May 12, 2003, Council approved a Military Construction Cooperative Agreement between the Airport and the North Carolina Air National Guard (NCANG). This agreement states that the Airport will relocate a portion of Airport Drive, which runs along the existing edge of the base in accordance with the NCANG master plan. This contract will construct the road. The Airport will fund the contract and be reimbursed by the NCANG through the MCCA.

Small Business Opportunity:

Established SBE Goal: 1%

SBE Committed Goal: 1.16%

Arvy Construction Co., the low bidder, committed 1.16% (\$ 9,737) of the total contact amount to a certified SBE firm.

Committee Discussion

The Airport Advisory Committee recommends this action.

Funding

Aviation Capital Investment Plan

Attachment 48

Budget Ordinance

81. Property Transactions

Action: Approve the following acquisitions (A-P) and adopt the condemnation resolutions (Q-VV).

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

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

Acquisitions:

- A. Project:** South Corridor Light Rail Project, Parcel # 303
Property Owner(s): QP Limited Partnership, a North Carolina Limited Partnership
Address: 3700 South Boulevard
Property to be acquired: 431,118 sq. ft. (9.897 ac.)
Improvements: Theatre cinema and all improvements thereon.
Purchase Price: \$3,835,000
Zoned: B2
Use: Vacant movie theatre
Tax ID: 149-012-39
Total Parcel Tax Value: \$3,852,500
- B. Project:** NC49/US29 Interchange Reconstruction, Parcel # 11,
Owner(s): Lester Herlocker & Associates, Inc. and Loveine Herlocker(Widow), Etal
Property Address: 7621 and 7631 North Tryon Street
Property to be acquired: 192,918 sq.ft. (4.429 ac.) of Fee Simple (Total Parcel Acquisition)
Improvements: Industrial Building and Lease Fee Interest in Cell Site
Purchase Price: \$618,000
Remarks: This acquisition is required for the NC49/US29 Interchange Reconstruction Project. Compensation was established by two certified, independent appraisals and a dual appraisal review.
Zoned: I-1 and I-2CD
Use: Commercial/Vacant - Whse/Industrial

Tax Code: 047-221-22 and 047-221-23

Total Parcel Tax Value: \$558,800

- C. Project:** Hickory Grove Road Widening, Parcel # 37,
Owner(s): Teered, LLC
Property Address: 6115 Hickory Grove Road
Property to be acquired: 952 sq.ft. (0.022 ac.) of Fee Simple plus 27 sq.ft. (0.001 ac.) of Permanent Utility Easement, plus 1,386 sq.ft. (0.032 ac.) of Temporary Construction Easement
Improvements: Tree/Shrubs
Purchase Price: \$26,750
Remarks: This acquisition is required for the Hickory Grove Road Widening Project. Compensation was established by an independent, certified appraisal and an appraisal review.
Zoned: B-1
Use: Business (Gas Station)
Tax Code: 107-314-06
Total Parcel Tax Value: \$610,490
- D. Project:** Hickory Grove Road Widening, Parcel # 35,
Owner(s): Mark Oil Company, A North Carolina Corporation
Property Address: 6035 Hickory Grove Road
Property to be acquired: 1,161 sq.ft. (0.027 ac.) of Fee Simple, 9 sq.ft. (0.001 ac.) of Permanent Utility Easement, plus 104 sq.ft. (0.002 ac.) of Storm Drainage Easement, plus 1,062 sq.ft. (0.024 ac.) of Temporary Construction Easement
Improvements: Shrubs
Purchase Price: \$22,425
Remarks: This acquisition is required for the Hickory Grove Road Widening Project. Compensation was established by an independent, certified appraisal and an appraisal review.
Zoned: B-1
Use: Convenience Store/Commercial
Tax Code: 099-311-15
Total Parcel Tax Value: \$329,200
- E. Project:** Hickory Grove Road Widening, Parcel # 88 and 89,
Owner(s): Martha Baker Weible and Carol Baker Raspberry
Property Address: 6122 and 6124 Hickory Grove Road
Property to be acquired: 3,820 sq.ft. (0.088 ac.) of Fee Simple plus 132 sq.ft. (0.003 ac.) of Permanent Utility Easement, plus 1,469 sq.ft. (0.034 ac.) of Temporary Construction Easement
Improvements: Trees and Shrubs
Purchase Price: \$12,975
Remarks: This acquisition is required for the Hickory Grove Road Widening Project. Compensation was established by an independent, certified appraisal and an appraisal review.
Zoned: R-3
Use: Single Family Residential

Tax Code: 109-011-12 and 109-011-24

Total Parcel Tax Value: \$132,300

- F. Project:** Statesville Avenue Widening, Parcel # 87,
Owner(s): Colonial Fixture Manufacturing Company
Property Address: 3627 Jessie Street
Property to be acquired: 10,454 sq.ft. (0.240 ac.) of Fee Simple (Total Acquisition of Vacant Lot)
Improvements: None
Purchase Price: \$22,475
Remarks: This acquisition is required for the Statesville Avenue Widening Project. Compensation was established by an independent, certified appraisal and an appraisal review.
Zoned: I-1
Use: Light Industrial
Tax Code: 077-054-01
Total Parcel Tax Value: \$7,900
- G. Project:** Plaza Road Streetscape, Parcel # 15,
Owner(s): Charles C. Davis and Wife, Gloria M. Davis
Property Address: 7420 The Plaza
Property to be acquired: 1,528 sq.ft. (0.035 ac.) of Fee Simple plus 4,773 sq.ft. (0.110 ac.) of Temporary Construction Easement
Improvements: None
Purchase Price: \$11,100
Remarks: This acquisition is required for the Plaza Road Streetscape Project. Compensation was established by an independent, certified appraisal and an appraisal review.
Zoned: R-3
Use: Single Family Residential
Tax Code: 107-091-04
Total Parcel Tax Value: \$120,400
- H. Project:** Billy Graham/Wilkinson Boulevard Interchange, Parcel # 1
Owner(s): Heirs of Callie Styers Pruette, By Frances P. Falls; Debbie Mishak, Executrix, Estate of William Pruette; Albert Falls, Jr., Executor, Estate of Dorothy Howie; Kenneth J. Norkett and Wife, Pamela J. Norkett; Christopher Lee Norkett and Wife
Property Address: 4700 and 4800 Wilkinson Boulevard
Property to be acquired: 118,872 sq.ft. (2.729 ac.) of Fee Simple, 35,796 sq.ft. (0.822 ac.) of Permanent Easement, plus 16,285 sq.ft. (0.374 ac.) of Temporary Construction Easement
Improvements: None
Purchase Price: \$132,079
Remarks: This acquisition is required for the Billy Graham/Wilkinson Boulevard Interchange Project.

Compensation was established by an independent, certified appraisal and an appraisal review.

Zoned: B-2

Use: Office

Tax Code: 061-201-31 and 061-201-32

Total Parcel Tax Value: \$595,000

- I. Project:** Davidson Street at Craighead Realignment, Parcel # 1
Owner(s): Doug Levin and David Ransenberg
Property Address: North Davidson Street (Opposite Craighead)
Property to be acquired: 4,968 sq.ft. (0.114 ac.) of Fee Simple plus 1,510 sq.ft. (0.035 ac.) of Permanent Sidewalk Utility Easement, plus 6,273 sq.ft. (0.144 ac.) of Temporary Construction Easement
Improvements: None
Purchase Price: \$20,000
Remarks: This acquisition is necessary for the Davidson at Craighead Realignment Project. Compensation was established by an independent, certified appraisal and an appraisal review.
Zoned: UR-2CD
Use: Unimproved
Tax Code: 091-107-31
Total Parcel Tax Value: \$640,300
- J. Project:** Highland Avenue Bridge Replacement, Parcel # 15
Owner(s): Charlotte-Mecklenburg Board of Education
Property Address: 6300 Highland Avenue
Property to be acquired: 11,267 sq. ft (0.259 ac) Temporary Construction Easement
Improvements: Mature Landscaping
Purchase Price: \$10,025
Remarks: This acquisition is required for the Highland Avenue Bridge Replacement Project. Compensation was established by an independent, certified appraisal and an appraisal review.
Zoned: R-3
Use: School/Office
Tax Code: 108-013-24
Total Parcel Tax Value: \$4,097,900
- K. Project:** Magnolia/Kirkwood Storm Water CIP, Parcel # 19
Owner(s): Larry A. Weidner and Wife, Linda L. Weidner
Property Address: 524 Iverson Way
Property to be acquired: 2,416 sq.ft. (0.055 ac.) of Permanent Storm Drainage Easement
Improvements: None
Purchase Price: \$17,400

Remarks: This acquisition is required for the Magnolia/Kirkwood Storm Water CIP. Compensation was established by independent, certified appraisals in the area.
Zoned: R-5
Use: Residential
Tax Code: 121-074-33
Total Parcel Tax Value: \$132,300

- L. Project:** Magnolia/Kirkwood Storm Water CIP, Parcel # 123
Owner(s): William A. Fitzgerald
Property Address: 2100 Kirkwood Avenue
Property to be acquired: 2,567 sq.ft. (0.059 ac.) of Permanent Conservation Easement, plus 3,062 sq.ft. (0.070 ac.) of Temporary Construction Easement
Improvements: None
Purchase Price: \$19,100
Remarks: This acquisition is required for the Magnolia/Kirkwood Storm Water CIP. Compensation was established by independent, certified appraisals in the area.
Zoned: R-5
Use: Single Family Residential
Tax Code: 121-103-24
Total Parcel Tax Value: \$189,700
- M. Project:** Hickory Grove Road Widening, Parcel #34
Owner(s): Branch Banking and Trust Company
Property Address: 6120 Hickory Grove Road
Property to be acquired: 3,873 sq. ft.(0.089 ac.) Fee Simple R/W, 44 sq ft. (0.001 ac.)Permanent Utility Easement, plus 124 sq. ft. (0.003 ac.) Storm Drainage Easement, plus 5,140 sq.ft. (0.118 ac). of TCE.
Improvements: Landscaping
Purchase Price: \$67,325
Remarks: This acquisition is required for Hickory Grove Road Widening Project. Compensation was established by an independent certified appraisal and an appraisal review.
Zoned: B-1
Use: Branch Bank
Tax Code: 099-311-14
Total Parcel Tax Value: \$1,045,000
- N. Project:** Hickory Grove Road Widening, Parcel # 46,
Owner(s): Hickory Grove United Methodist Church and any other Parties of Interest
Property Address: 6401 Hickory Grove Road
Property to be acquired: 7,979 sq.ft. (0.183 ac.) of Fee Simple, plus 47 sq. ft (0.001 ac.) of Permanent Utility easement plus 202 sq. ft. (0.005 ac.) of Permanent Sidewalk Easement, plus 129 sq.ft. (0.003 ac.) of Permanent Drainage Easement,

plus 5,262 sq.ft. (0.121 ac.) of Temporary Construction Easement

Improvements: Landscaping

Purchase Price: \$44,800

Remarks: This acquisition is required for the Hickory Grove Road Widening Project. Compensation was established by an independent, certified appraisal and an appraisal review..

Zoned: R-3

Use: Institutional

Tax Code: 107-311-01

Total Parcel Tax Value: \$27,840,700

- O. Project:** Hickory Grove Road Widening, Parcel # 45,
Owner(s): Hickory Grove United Methodist Church and any other Parties of Interest
Property Address: 6301 Hickory Grove Road
Property to be acquired: 1,521 sq. ft. (0.035 ac) of Fee Simple, plus 4,230 sq. ft. (0.097 ac.) of Permanent Drainage Easement, plus 56 sq. ft. (0.001 ac.) of Permanent Utility Easement, plus 12,987 sq. ft. (0.298 ac.) of Temporary Construction Easement
Improvements: Landscaping
Purchase Price: \$20,700
Remarks: This acquisition is required for the Hickory Grove Road Widening Project. Compensation was established by an independent, certified appraisal and an appraisal review.
Zoned: R-3
Use: Institutional
Tax Code: 107-312-10
Total Parcel Tax Value: \$875,800
- P. Project:** Hickory Grove Road Widening, Parcel #99
Owner(s): Hickory Grove United Methodist Church and any other Parties of Interest
Property Address: 6420 Hickory Grove Road
Property to be acquired: Total Combined Area of 244 sq.ft. (0.006 ac.)
Improvements: None
Purchase Price: \$150,000
Remarks: This acquisition if required for the Hickory Grove Road Widening Project. Compensation was established by an independent, certified appraisal and an appraisal review. City staff has yet to reach a negotiated settlement with the property owner.
Zoned: R-3
Use: Institutional
Tax Code: 109-011-03
Total Parcel Tax Value: \$774,450.00

Condemnations:

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

- Q. Project:** Airport Master Plan Condemnation
Owner(s): Robert & Barbara Oliver
Property Address: 7616 Newell Road
Property to be acquired: .39 acres
Improvements: vacant land
Purchase Price: \$24,000
Zoned: R3
Use: vacant land
Tax Value: \$10,600
Tax Code: 113-132-10
- R. Project:** Airport Master Plan Condemnation
Owner(s): Robert & Barbara Oliver
Property Address: 7521,7521,7539, &7601 Newell Road
Property to be acquired: 1.927 acres
Improvements: single family residence
Purchase Price: \$118,000
Zoned: R3
Use: single family residence
Tax Value: \$80,100
Tax Code: 113-131-03, 113-131-04, 113-131-05, 113-131-13
- S. Project:** Airport Master Plan Condemnation
Owner(s): Robert & Barbara Oliver
Property Address: 7721 and 7735 Newell Road
Property to be acquired: 2.494 acres
Improvements: two single family residences
Purchase Price: \$240,000
Zoned: R3
Use: two single family residences
Tax Value: \$195,500
Tax Code: 113-131-10 and 113-131-12
- T. Project:** Airport Master Plan Condemnation
Owner(s): Robert & Barbara Oliver
Property Address: 7706, 7714, 7736, & 7744 Newell Road

Property to be acquired: 1.96 acres
Improvements: single family residence and business property
Purchase Price: \$280,000
Zoned: R3
Use: Residence & business
Tax Value: \$167,000
Tax Codes: 113-132-01, 113-132-09, 113-132-08, & 113-132-07

- U. **Project:** NC27/Mount Holly-Huntersville Road, Parcel # 3
Owner(s): David Lee Kinney, Richard Guiney, Jr. and any other Parties of Interest
Property Address: 11000 Mount Holly Road
Property to be acquired: Total Area 30,080 sq.ft. (0.691 ac.) of Fee Simple and Temporary Construction Easement
Improvements: 840 sq.ft. Commercial Building
Purchase Price: \$0.00 (Appraisal Pending)
Remarks: This acquisition is required for the NC27/Mount Holly-Huntersville Road Project. Compensation was established by an independent, certified appraisal and an appraisal review. City Staff has yet to reach a negotiated settlement with the property owner.
Zoned: B-2
Use: Retail
Tax Code: 031-375-03
Total Parcel Tax Value: \$48,900
- V. **Project:** Hickory Grove Road Widening, Parcel # 92 and 90
Owner(s): Danny E. Kerr and any other Parties of Interest
Property Address: 6128 Hickory Grove Road
Property to be acquired: 446.7 sq.ft. (0.010 ac.) of Permanent Utility Easement and Temporary Construction Easement
Improvements: None
Purchase Price: \$250
Remarks: This acquisition is required for the Hickory Grove Road Widening Project. Compensation was established by an independent, certified appraisal and an appraisal review. City Staff has yet to reach a negotiated settlement with the property owner.
Zoned: R-3
Use: Single Family Residential
Tax Code: 109-011-10 and 109-011-23
Total Parcel Tax Value: \$65,100
- W. **Project:** Foxcroft/Ferncliff SWCIP, Parcel # 2,
Owner(s): Starling Reid and Deanna Reid and any other Parties of Interest
Property Address: 2326 Ferncliff Road
Property to be acquired: 619 sq.ft. (0.014 ac.) of Permanent Conservation Easement

Improvements: Landscaping

Purchase Price: \$3,575

Remarks: This acquisition is required for the Foxcroft/Ferncliff SWCIP. Compensation was established by an independent, certified appraisal and an appraisal review. City Staff has yet to reach a negotiated settlement with the property owner.

Zoned: R-3

Use: Residential

Tax Code: 181-133-05

Total Parcel Tax Value: \$390,500

- X. Project:** Magnolia/Kirkwood SWCIP, Parcel # 2,
Owner(s): Walter Preston Gray Jr. and Alice Q. Gray and any other Parties of Interest
Property Address: 2408 Cumberland Avenue
Property to be acquired: 1,554 sq.ft. (0.036 ac.) of Permanent Storm Drainage Easement plus Temporary Construction Easement
Improvements: Landscaping
Purchase Price: \$1,775
Remarks: This acquisition is required for the Magnolia/Kirkwood SWCIP. 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: Residential
Tax Code: 151-033-53
Total Parcel Tax Value: \$251,900
- Y. Project:** Magnolia/Kirkwood SWCIP, Parcel # 5,
Owner(s): MDE Partners and any other Parties of Interest
Property Address: 728 Brookside Avenue
Property to be acquired: 480 sq.ft. (0.011 ac.) of Temporary Construction Easement
Improvements: None
Purchase Price: \$750
Remarks: This acquisition is required for the Magnolia/Kirkwood SWCIP. 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-22MF
Use: Residential
Tax Code: 121-093-34
Total Parcel Tax Value: \$164,500
- Z. Project:** Magnolia/Kirkwood SWCIP, Parcel # 10,
Owner(s): MDE Partners and any other Parties of Interest

Property Address: 724 Brookside Avenue
Property to be acquired: 480 sq.ft. (0.011 ac.) of Temporary Construction Easement
Improvements: None
Purchase Price: \$950
Remarks: This acquisition is required for the Magnolia/Kirkwood SWCIP. 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-22MF
Use: Residential
Tax Code: 121-093-35
Total Parcel Tax Value: \$165,700

AA. Project: Magnolia/Kirkwood SWCIP, Parcel # 11,
Owner(s): Elizabeth Whereley and any other Parties of Interest
Property Address: 720 Brookside Avenue
Property to be acquired: 10,873 sq.ft. (0.250 ac.) of Permanent Drainage Easement plus Temporary Construction Easement
Improvements: Landscaping
Purchase Price: \$16,775
Remarks: This acquisition is required for the Magnolia/Kirkwood SWCIP. 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-22MF
Use: Residential
Tax Code: 121-093-36
Total Parcel Tax Value: \$307,700

BB. Project: Magnolia/Kirkwood SWCIP, Parcel # 13,
Owner(s): Cecilia S. Putnam and any other Parties of Interest
Property Address: 518 Ideal Way
Property to be acquired: 3,194 sq.ft. (0.073 ac.) of Permanent Drainage Easement
Improvements: Landscaping
Purchase Price: \$24,530
Remarks: This acquisition is required for the Magnolia/Kirkwood SWCIP. Compensation was established by an independent, certified appraisal and an appraisal review. City Staff has yet to reach a negotiated settlement with the property owner.
Zoned: R-5
Use: Residential
Tax Code: 147-031-14
Total Parcel Tax Value: \$124,800

- CC. Project:** Magnolia/Kirkwood SWCIP, Parcel # 63,
Owner(s): Tully Gray Ellis, Jr. and any other Parties of Interest
Property Address: 740 Ideal Way
Property to be acquired: 7,568 sq.ft. (0.174 ac.) of Permanent Conservation Easement plus Temporary Construction Easement
Improvements: None
Purchase Price: \$5,825
Remarks: This acquisition is required for the Magnolia/Kirkwood SWCIP. Compensation was established by an independent, certified appraisal and an appraisal review. City Staff has yet to reach a negotiated settlement with the property owner.
Zoned: R-5
Use: Residential
Tax Code: 147-081-04
Total Parcel Tax Value: \$113,200
- DD. Project:** Magnolia/Kirkwood SWCIP, Parcel # 85,
Owner(s): Harry G. Lainis
Property Address: 420 Ideal Way
Property to be acquired: 3,432 sq.ft. (0.079 ac.) of Permanent Drainage Easement
Improvements: Landscaping
Purchase Price: \$5,175
Remarks: This acquisition is required for the Magnolia/Kirkwood SWCIP. Compensation was established by an independent, certified appraisal and an appraisal review. City Staff has yet to reach a negotiated settlement with the property owner.
Zoned: R-5
Use: Residential
Tax Code: 147-031-19
Total Parcel Tax Value: \$106,400
- EE. Project:** Magnolia/Kirkwood SWCIP, Parcel # 92,
Owner(s): Harry G. Lainis and any other Parties of Interest
Property Address: 416 Ideal Way
Property to be acquired: 3,218 sq.ft. (0.074 ac.) of Permanent Drainage Easement
Improvements: Landscaping
Purchase Price: \$4,860
Remarks: This acquisition is required for the Magnolia/Kirkwood SWCIP. Compensation was established by an independent, certified appraisal and an appraisal review. City Staff has yet to reach a negotiated settlement with the property owner.
Zoned: R-5
Use: Residential

Tax Code: 147-031-20
Total Parcel Tax Value: \$104,700

- FF. Project:** Magnolia/Kirkwood SWCIP, Parcel # 93,
Owner(s): Harry G. Lainis and any other Parties of Interest
Property Address: 412 Ideal Way
Property to be acquired: 3,055 sq.ft. (0.070 ac.) of Permanent Drainage Easement
Improvements: Landscaping
Purchase Price: \$4,614
Remarks: This acquisition is required for the Magnolia/Kirkwood SWCIP. Compensation was established by an independent, certified appraisal and an appraisal review. City Staff has yet to reach a negotiated settlement with the property owner.
Zoned: R-5
Use: Residential
Tax Code: 147-031-21
Total Parcel Tax Value: \$110,800
- GG. Project:** Magnolia/Kirkwood Storm Water CIP, Parcel #32,
Owner(s): John L. Carpenter and any other Parties of Interest
Property Address: 512 East Tremont
Property to be acquired: 1,393 sq.ft. (0.032 ac.) of Permanent Storm Drainage Easement
Improvements: Attached Side Porch
Purchase Price: \$16,200
Remarks: This acquisition is required for the Magnolia/Kirkwood Storm Water CIP. Compensation was established by an independent, certified appraisal and an appraisal review. City Staff has yet to reach a negotiated settlement with the property owner.
Zoned: R-5
Use: Residential
Tax Code: 121-093-66
Total Parcel Tax Value: \$257,400
- HH. Project:** Magnolia/Kirkwood SWCIP, Parcel # 121,
Owner(s): Boyd P. Falls and Wife, Maxine G. Falls and any other Parties of Interest
Property Address: 613 McDonald Avenue
Property to be acquired: 3,671 sq.ft. (0.084 ac.) of Permanent Storm Drainage Easement
Improvements: None
Purchase Price: \$6,500
Remarks: This acquisition is required for the Magnolia/Kirkwood SWCIP. Compensation was established by an independent, certified appraisal and an appraisal review.

City Staff has yet to reach a negotiated settlement with the property owner.

Zoned: R-5

Use: Residential

Tax Code: 121-093-12

Total Parcel Tax Value: \$135,600

- II. Project:** NC27/Mount Holly-Huntersville Road, Parcel #2
Owner(s): David Lee Kinney, Richard Guiney, Jr., Family, LLC and any other Parties of Interest
Property Address: 11004 Mount Holly Road
Property to be acquired: 8,850 sq.ft. (0.203 ac.) of Fee Simple – Total Acquisition
Improvements: None
Purchase Price: \$27,500
Remarks: This acquisition is required for the NC27/Mount Holly-Huntersville Road Project. Compensation was established by an independent, certified appraisal and an appraisal review. City Staff has yet to reach a negotiated settlement with the property owner.
Zoned: B-2
Use: Vacant
Tax Code: 031-375-02
Total Parcel Tax Value: \$7,200
- JJ. Project:** Hickory Grove Road Widening, Parcel # 41
Owner(s): Verner N. Jordan, Jr. and any other Parties of Interest
Property Address: 6000 Block of Hickory Grove Road
Property to be acquired: Total Area Combined of 5,583 sq.ft. (0.128 ac.)
Improvements: None
Purchase Price: \$5,975
Remarks: This acquisition is required for the Hickory Grove Road Widening Project. Compensation was established by an independent, certified appraisal and an appraisal review. City Staff has yet to reach a negotiated settlement with the property owner.
Zoned: R-3
Use: Single Family Residential
Tax Code: 107-312-08
Total Parcel Tax Value: \$43,100
- KK. Project:** Hickory Grove Road Widening, Parcel # 86
Owner(s): Hickory Grove Baptist Church and any other Parties of Interest
Property Address: 6050 Hickory Grove Road
Property to be acquired: Total Combined Area of 26,484 sq.ft. 0.608 ac.)

Improvements: Landscaping and Asphalt

Purchase Price: \$71,300

Remarks: This acquisition is required for the Hickory Grove Road Widening Project. Compensation was established by an independent, certified appraisal and an appraisal review. City Staff has yet to reach a negotiated settlement with the property owner.

Zoned: R-3

Use: Institutional

Tax Code: 103-211-25

Total Parcel Tax Value: \$23,088,780

LL. Project: Hickory Grove Road Widening, Parcel # 94

Owner(s): Curtis S. May and Wife, Deanna Argenio-May and any other Parties of Interest

Property Address: 6132 Hickory Grove Road

Property to be acquired: 2,107 sq.ft. (0.048 ac.) of Fee Simple

Improvements: Landscaping

Purchase Price: \$2,775

Remarks: This acquisition is required for the Hickory Grove Road Widening Project. Compensation was established by independent, certified appraisal and an appraisal review. City Staff has yet to reach a negotiated settlement with the property owner.

Zoned: R-3

Use: Single Family Residential

Tax Code: 109-011-08

Total Parcel Tax Value: \$81,900

MM. Project: NC27/Mount Holly-Huntersville Road, Parcel #5

Owner(s): Textile Cleaner and Track Service, Inc. and any other Parties of Interest

Property Address: 10908 Mount Holly Road

Property to be acquired: Total Combined area of 14,569 sq. ft. (0.334 ac.) of Fee Simple and Temporary Construction Easement

Improvements: None

Purchase Price: \$0.00 (APPRAISAL PENDING)

Remarks: This acquisition is required for the NC27/Mount Holly-Huntersville Road Project. Compensation was established by an independent, certified appraisal and an appraisal review. City Staff has yet to reach a negotiated settlement with the property owner.

Zoned: B-2

Use: Warehouse

Tax Code: 031-375-04

Total Parcel Tax Value: \$561,300

- NN. Project:** NC27/Mount Holly-Huntersville Road, Parcel #4
Owner(s): Sherry Wilson Edge and any other Parties of Interest
Property Address: 11114 Mount Holly Road
Property to be acquired: 1,106 sq.ft. (0.025 ac.) of Fee Simple
Improvements: None
Purchase Price: \$3,300
Remarks: This acquisition is required for the NC27/Mount Holly-Huntersville Road Project. Compensation was established by an independent, certified appraisal and an appraisal review. City Staff has yet to reach a negotiated settlement with the property owner.
Zoned: B-2
Use: Single Family Residential
Tax Code: 031-141-04
Total Parcel Tax Value: \$91,800
- OO. Project:** Magnolia/Kirkwood Storm Water CIP, Parcel #31
Owner(s): Andrew B. Hammett, Jr. and any other Parties of Interest
Property Address: 516 East Tremont Avenue
Property to be acquired: Combined area of 3,415 sq. ft. (0.078 ac.) of Permanent Storm Drainage Easement and Temporary Construction Easement.
Improvements: None
Purchase Price: \$15,400
Remarks: This acquisition is required for the Magnolia/Kirkwood Storm Water CIP. Compensation was established by an independent, certified appraisal and an appraisal review. City Staff has yet to reach a negotiated settlement with the property owner.
Zoned: R-5
Use: Single Family Residential
Tax Code: 121-093-65
Total Parcel Tax Value: \$272,000
- PP. Project:** Hickory Grove Road Widening, Parcel # 44
Owner(s): Beatrice Jordan Cline and any other Parties of Interest
Property Address: 6213 Hickory Grove Road
Property to be acquired: Total Combined Area of 1,949 sq.ft. (0.045 ac.)
Improvements: Trees and Shrubs
Purchase Price: \$975
Remarks: This acquisition is required for the Hickory Grove Road Widening Project. Compensation was established by an independent, certified appraisal and an appraisal review. City Staff has yet to reach a negotiated settlement with the property owner.

Zoned: R-12MFCD
Use: Vacant Lot
Tax Code: 107-312-14
Total Parcel Tax Value: \$16,800

- QQ. Project:** Hickory Grove Road Widening, Parcel # 43
Owner(s): Beatrice Jordan Cline and Thelma S. Jordan, By Entirety and any other Parties of Interest
Property Address: 6211 Hickory Grove Road
Property to be acquired: Total Combined Area of 2,425 sq.ft. (0.056 ac.)
Improvements: Trees and Shrubs
Purchase Price: \$2,025
Remarks: This acquisition is required for the Hickory Grove Road Widening Project. Compensation was established by an independent, certified appraisal and an appraisal review. City Staff has yet to reach a negotiated settlement with the property owner.
Zoned: R-3
Use: Vacant Lot
Tax Code: 107-312-13
Total Parcel Tax Value: \$20,300

- RR. Project:** Hickory Grove Road Widening, Parcel # 42
Owner(s): Beatrice Jordan Cline c/o Martha D. Brown and any other Parties of Interest
Property Address: 6200 Block of Hickory Grove Road
Property to be acquired: Total Combined Area of 3,781 sq.ft. (0.087 ac.)
Improvements: None
Purchase Price: \$3,800
Remarks: This acquisition is required for the Hickory Grove Road Widening Project. Compensation was established by an independent, certified appraisal and an appraisal review. City Staff has yet to reach a negotiated settlement with the property owner.
Zoned: R-3
Use: Vacant Lot
Tax Code: 107-312-09
Total Parcel Tax Value: \$20,200

- SS. Project:** Hassell Place Sidewalk Improvements, Parcel #12
Owner(s): Minnie Gertrude Harris and any other Parties of Interest
Property Address: 2231 Hassell Place
Property to be acquired: 513 sq.ft. (0.012 ac.) of Temporary Construction Easement
Improvements: None
Purchase Price: \$700

Remarks: This acquisition is required for the Hassell Place Sidewalk Improvements Project. Compensation was established by an independent, certified appraisal. City Staff has yet to reach a negotiated settlement with the property owner.

Zoned: R-3

Use: Single Family Residential

Tax Code: 175-152-12

Total Parcel Tax Value: \$210,400

- TT. Project:** Hickory Grove Road Widening, Parcel # 32
Owner(s): Charlotte Realty, Ltd, Partnership and any other Parties of Interest
Property Address: 7006 East W.T. Harris Boulevard
Property to be acquired: Total Combined Area of 17,179 sq.ft. (0.394 ac.)
Improvements: Trees and Shrubs
Purchase Price: \$63,050
Remarks: This acquisition is required for the Hickory Grove Road Widening Project. Compensation was established by an independent, certified appraisal and an appraisal review. City Staff has yet to reach a negotiated settlement with the property owner.
Zoned: B-1SCD
Use: Shopping Center
Tax Code: 099-311-16
Total Parcel Tax Value: \$6,097,000
- UU. Project:** NC27/Mount Holly-Huntersville Road, Parcel #1
Owner(s): Calvin B. Thomas and any other Parties of Interest
Property Address: 11028 Mount Holly Road
Property to be acquired: 16,290 sq.ft. (0.374 ac.) of Fee Simple
Improvements: Commercial Building
Purchase Price: \$92,000
Remarks: This acquisition is required for the NC27/Mount Holly-Huntersville Road Project. Compensation was established by an independent, certified appraisal and an appraisal review. City Staff has yet to reach a negotiated settlement with the property owner.
Zoned: B-2
Use: Tavern
Tax Code: 031-375-01
Total Parcel Tax Value: \$66,200
- VV. Project:** Highland Avenue Bridge Replacement, Parcel # 16
Owner(s): Joe R. Taylor and Wife, Ellen C. Taylor and Any Other Parties of Interest
Property Address: 6412 Highland Avenue

Property to be acquired: 21,021 sq. ft. (.483 ac.) of Fee Simple, Utility Easement, Permanent Slope Easement, and Temporary Construction Easement

Improvements: Mature Landscaping

Purchase Price: \$26,500.00

Remarks: This acquisition is required for the Highland Avenue Bridge Replacement project. Compensation was established by an independent, certified appraisal and an appraisal review. City staff has yet to reach a negotiated settlement with the property owner.

Zoned: R-3

Use: Residential

Tax Code: 108-013-26

Tax Value: \$123,720.00

82. Meeting Minutes

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

- **May 19, 2003 Zoning Meeting**
- **June 4, 2003 Budget Retreat**
- **June 9, 2003 Business Meeting**
- **June 11, 2003 Budget Retreat**
- **June 16, 2003 Zoning Meeting**
- **June 18, 2003 Straw Votes**