

**Mayor Patrick L. McCrory**    **Mayor Pro Tem Patrick De'Angelo Cannon**

Susan Burgess  
Nancy Carter  
Malcolm Graham  
Patsy Kinsey  
John W. Lassiter

Don Lochman  
James E. Mitchell, Jr.  
Patrick Mumford  
John H. Tabor, AIA  
Warren Turner

# **CITY COUNCIL MEETING**

**Monday, June 14, 2004**

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# CITY COUNCIL AGENDA

Monday, June 14, 2004

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

### 1. School Zone Policy Revision

**Resource:** Doreen Szymanski, Transportation

**Time:** 20 minutes

**Synopsis**

- The current school zone policy was adopted by City Council in 1981. Since that time, road conditions around schools have changed significantly.
- In 1999 the CDOT conducted six school studies. The study recommendations indicated that the school zone policy needs updating to address the needs of a growing community.
- Staff presentation will review the current policy, and then explain the proposed changes to elementary and middle school zones, which include:
  - School speed reduction zones for schools located on thoroughfares
  - 25 mph speed limits on local streets with schools
  - Formalized crossings permissible for a minimum of five students
  - Policy defines a school as a facility with 200+ enrollment.
- Changes at high schools will be minimal, and explained in the presentation.

**Future Action**

Approval of the new policy is slated for June 28, 2004.

### 2. Affordable Housing Density Bonus Recommendation

**Committee Chair:** Susan Burgess

**Resources:** Stanley Watkins, Neighborhood Development  
Debra Campbell, Planning

**Time:** 15 minutes

**Synopsis**

- City Council's concurrence with the Committee's recommendation on the density bonus will complete the Affordable Housing Policy Review that began on February 1, 1999.
- At its May 19, 2004 meeting, following discussion at several meetings, the Housing and Neighborhood Development Committee unanimously recommended that City Council discontinue discussions and efforts to develop

a density bonus for affordable housing at this time. The primary reasons cited by the Committee for suspending work on the policy are:

- The City is currently meeting its 4,500 affordable housing unit goal with current financial incentives (i.e., HOME, Trust Fund, etc.) that are in place.
- There is concern that the density bonus system will not address the areas of greatest housing need – special needs housing and rental housing - for households earning below 30% of area median income (\$19,230 for a family of four).
- There is also concern that a density bonus system may increase gentrification in lower-income neighborhoods if higher priced housing is required.
- The City’s General Development Policies and area plans provide opportunities for higher density development in appropriate locations.

**Future Action**

The Committee’s recommendation will be placed on the June 28<sup>th</sup> business meeting for City Council action.

### 3. 7<sup>th</sup> and McDowell Street Homeownership Development

**Resource:** Stan Wilson, Neighborhood Development

**Time:** 15 minutes

**Synopsis**

- The purpose of this presentation is to brief City Council on the Centro-Drakeford, LLC’s proposed homeownership development on City-owned land located at 7<sup>th</sup> and McDowell Streets in the First Ward neighborhood.
- On November 26, 2001, City Council approved the Centro-Drakeford, LLC’s proposal to develop new multi-family rental housing on the 7<sup>th</sup> and McDowell Street property. Subsequently, on June 23, 2003 Council approved a 12-month extension of the developer’s option to purchase the land and approve the developer’s request to change from the development of rental housing to homeownership. The change from rental to ownership was requested due to the market conditions.
- Centro-Drakeford, LLC is proposing 79 condominium units for homeownership and five commercial units at 512 North McDowell Street. The units will target the following incomes:

Units	Sales Price	AMI Served*	Annual Household Income
8	\$89,000 - \$109,000	≤ 60%	Less than \$38,460
12	\$133,000 – 160,000	61%-80%	\$39,101 - \$51,280
59	\$186,000 - \$210,000	81%-100%	\$51,921 - \$64,100

Note: Annual household income based on a family of four

- The developer will purchase City-owned land with an appraised value of \$2,300,000. The proposed sale price is \$1,000,000. This represents a \$1,300,000 land write down (\$65,000 per affordable unit and \$16,456 per unit based on all 79 units). Second mortgages valued at approximately \$1.1 million will be used to ensure affordability for 15 years. These mortgages will be assigned to the City.
- The Assisted Multi-Family Housing Locational Policy does not apply, as homeownership is exempt from policy.

#### **Future Action**

- Approval of the land sale and development proposal on June 28, 2004

#### **Attachment 1**

Project Summary Report

## **4. Charlotte Enterprise Community–Grant Extension**

**Resources:** Stanley Watkins, Neighborhood Development  
 Sylvia Bittle-Patton, Charlotte Enterprise Community

**Time:** 10 minutes

#### **Synopsis**

- The purpose of this presentation is to brief City Council on
  - the expiration of the Enterprise Community grant; and
  - the Charlotte Enterprise Community’s interest in submitting a grant extension to the U.S. Department of Health and Human Services to obligate unexpended grant funds.
- In 1994, the City of Charlotte was awarded a \$2.95 million Enterprise Community (EC) grant to support revitalization activities in the local enterprise community.
- EC Grant funds are used to provide job readiness training, small business enterprise classes, a youth enterprise program and staff support for the Sugar Creek Job Link Center.

- The EC special social services block grant funds are scheduled to expire December 21, 2004.
- The Charlotte Enterprise Community is projected to have approximately \$400,000 in unexpended grant funds.
- The Department of Health and Human Services is accepting requests for grant extensions up to five-years.
- Extension requests must be submitted jointly by the state and local area by September 1, 2004.

**Future Action**

City Council approval of grant extension application on June 28, 2004.

**5. Committee Reports by Exception**

Community Safety: Picketing, Public Assembly and Parade Ordinance

Economic Development: Spectrum Property and Wachovia/ASC 1200 Seat

Theater project

Restructuring Government: Annual Performance Evaluation Process for the City Manager and City Attorney

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

**CONSENT**

- 6. Consent agenda items 18 through 37 may be considered in one motion except those items removed by a Council member. Items are removed by notifying the City Clerk before the meeting.**

## PUBLIC HEARING

### 7. Public Hearing to Consider a Proposed Annexation Agreement with Weddington, Marvin and Stallings

- Action:**
- A. Hold a public hearing on proposed annexation agreement with Weddington, Marvin and Stallings, and**
  - B. Adopt an ordinance approving the proposed annexation agreement and authorizing Mayor to execute the annexation agreement.**

**Staff Resource:** Mike Boyd, City Attorney's Office

#### **Explanation**

- Charlotte, Weddington and Marvin are parties to an Annexation Agreement that will expire January 1, 2006. That agreement provides that Charlotte will not annex into Union County and that Weddington and Marvin will not annex into Mecklenburg County.
- Weddington and Marvin have asked that a new annexation agreement be executed among these municipalities.
- City staff requested that Stallings join in the annexation agreement.
- State statutes require that each municipality planning to enter into an annexation agreement must first hold a public hearing.

#### **Proposed Annexation Agreement**

- The proposed annexation agreement identifies a three-mile wide area within Mecklenburg running from the intersection of Pleasant Plains Road and the Mecklenburg/Union County line to the South Carolina State line. Weddington, Marvin and Stallings agree not to annex property within that portion of Mecklenburg County.
- The proposed annexation agreement identifies a three-mile wide area within Union running from the intersection of Pleasant Plains Road and the Mecklenburg/Union County line to the South Carolina State line. Charlotte agrees not to annex property within that portion of Union County.
- The proposed annexation agreement only applies to the portion of Mecklenburg County south of the intersection of Pleasant Plains Road and the Mecklenburg County Line so that Stallings is able to address annexation issues with Matthews and Mint Hill in other parts of Mecklenburg County.
- The proposed ordinance and agreement have an effective date of July 1, 2004. The term of the proposed annexation agreement is 10 years.

#### **Public Notice**

This public hearing was advertised in the Mecklenburg Times on June 1 and June 8, 2004.

**Attachment 2**  
 Proposed Annexation Agreement  
 Ordinance  
 Map

## 8. Public Hearing and Resolution to Close a Portion of Hamorton Place

**Action:**    **A. Conduct a public hearing to close a portion of Hamorton Place, and**

**B. Deny the request to close a portion of Hamorton Place in accordance with staff recommendation.**

**Staff Resource:**     Roger Buell, Transportation

### 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.
- The action removes land from public right-of-way status and attaches it to the adjacent property.
- This portion of Hamorton Place is currently a paved public road approximately 150 feet long that provides connectivity between Landis Avenue and Firth Court north of Central Avenue in the Plaza Midwood neighborhood (see attachment).
- The petition states that the purpose for the abandonment is to address vehicular speeding, cut-through traffic issues and accommodate future development.
- This abandonment would incorporate right-of-way into adjacent property owned by Creighton Roy Badame and Michael H. Lemmond.

### Petitioner

- The petitioner, Robert Drakeford of The Drakeford Company has also indicated that the abandonment of this portion of Hamorton Place, in combination with other adjacent properties that he is attempting to acquire, would facilitate additional redevelopment opportunities.
- The petitioner has stated that the existing Hamorton Place street segment may have a negative effect on his “Grace on Midwood” development, a 10-lot urban residential development immediately east of the intersection of Hamorton Place and Firth Court. That project is currently in the subdivision review process. The abandonment of Hamorton Place does not have a direct bearing on this development.
- The Plaza Midwood Neighborhood Association, represented by Jennifer Murphy, President, expressed in a letter its full support for the roadway

abandonment. "Residents in the area have expressed their support for the abandonment as a means of addressing the safety issue of cut through traffic. Residents will not be adversely impacted by the closure as the two roadways in questions, Landis Ave and Firth Court, are connected in another location within a city block from the subject connection. Additionally, the closure will serve to separate commercial traffic using Landis Avenue from the neighborhood streets which will help to strengthen and protect this fragile section of the neighborhood as it begins to be revitalized."

### **Background**

- There is a funded Neighborhood Improvement Project (part of the Central District Small Area Plan adopted by City Council in 1993) in the Plaza Midwood area that includes this section of Hamorton Place scheduled for award this summer. This project consists of curb, gutter and storm water improvements within the proposed abandonment area. The total project budget is \$2.5 million with expected completion by spring 2005. The Hamorton Place portion of this project is valued at \$20,000.
- Staff held several meetings with the petitioner and abutting property owners to address concerns of speeding and cut through traffic. At these meetings, staff provided additional information on questions regarding stream buffers, building setbacks and the neighborhood improvement project.
- Traffic counts and a speed survey on Hamorton Place were conducted and the results indicate that the vehicle speeds and volumes observed are not uncharacteristic for a street of this type. Specifically, the 85th percentile speed was 29 mph with a volume of 530 vehicles per day. CDOT will only consider traffic calming on local residential streets that have a traffic volume of over 1,000 vehicles per day. Peak hour traffic is about one car per minute between the hours of 7:30-7:45 am and 3-5 pm.
- Several actions have been recommended to address concerns about perceived cut-through/speeding including modifying placement of stop signs and a slight realignment of the intersection of Hamorton at Firth Court. Realignment would require additional land acquisition and some increase in project costs. Staff also discussed the importance of keeping Hamorton Place open to maintain the existing benefits of vehicular and pedestrian connectivity along with a grid street network (see attachment).
- The petitioner is willing to reserve a portion of land for a pathway. Staff does not feel that this is an alternative that will benefit the entire community in as much as it would prohibit vehicular travel.

### **Staff Recommendation**

- CDOT and Planning Commission staffs recognize connectivity benefits, which include:
  - shortening trip length
  - reducing vehicle miles of travel
  - serving pedestrians/bicyclists
  - revitalizing existing neighborhoods
- The proposed abandonment would create an inconsistency with City Code 20-20 requiring that the maximum block length is 1,000 feet. The elimination of Hamorton would create a block length of 1,343 feet. The proposed

abandonment would increase trip lengths and disconnect the neighborhood. Therefore, it is the recommendation of City Staff that this abandonment request be denied.

- Planning Commission staff has provided a detailed statement on the abandonment proposal (see attachment).

### **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

Creighton Roy Badame - No objections

Michael & Brenda Lemmond – No objections

#### Neighborhood/Business Associations

Plaza-Midwood Neighborhood Association – No objections

Country Club Heights Neighborhood Association – No objections

Belmont Generations – Belmont Neighborhood Strategy Force – No objections

Belmont Tenant Organization – No objections

Elizabeth Community Association – No objections

Chantilly Neighborhood Association – No objections

#### Private Utility Companies

No objections

#### City Departments

Review by City departments has identified that this closing would be contrary to the public interest but would not 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 – adjacent property owners

Map – alternate routes

Planning Commission interoffice communication

Picture of existing Hamorton Place

## POLICY

### 9. City Manager's Report

### 10. FY2005 Operating Budget and FY2005-2009 Capital Investment Plan

**Action:** Approve 2005 Appropriations and Tax Levy Ordinance, the Capital Investment Plan Resolution for Fiscal Years 2005-2009, the FY2005 Pay and Benefits Resolution, and other items related to the Annual Ordinance adoption.

**Committee Chair:** Don Lochman

**Staff Resource:** Listed under each section

#### Policy

As required by state law, the City of Charlotte adopts an annual appropriations and tax levy ordinance and considers related actions prior to June 30 of each fiscal year.

#### Explanation

Council is requested to adopt the following actions:

- A. The FY2005 Appropriations and Tax Levy Ordinance (Ruffin Hall)
- B. The FY2005-2009 Capital Investment Plan Resolution (Ruffin Hall)
- C. The FY2005 Pay and Benefits Plan Resolution (Tim Mayes)
- D. Arts and Outside Agencies Contracts (Ruffin Hall)
- E. Municipal Service Districts Contracts (Ruffin Hall)
- F. Job Training Contracts (Stanley Watkins)
- G. Human Services Contracts (Stanley Watkins)
- H. Housing Development and Support Contracts (Stanley Watkins)
- I. Direct staff to study six budget topics (Ruffin Hall)
- J. Other Budget Items (Ruffin Hall)
- K. Storm Water Fee Increase (Tim Richards)
- L. Public Art (Ruffin Hall)

#### A. Adopt the FY2005 Appropriations and Tax Levy Ordinance

#### Budget Overview

- On May 10, 2004, the City Manager presented the recommended FY2005 Operating Budget and the FY2005-2009 Capital Investment Plan to the Mayor and City Council. Since March 2004, the Mayor and City Council held four budget retreats and the required public hearing to shape development of this budget.

- The total recommended budget is \$1.56 billion, with \$777.3 million for operating expenses and \$780.5 million for capital expenditures.
- The budget addresses Council's 2005 priorities and includes the following key revenues:
  - A tax rate of 42.0¢ per \$100, unchanged from the previous year. 0.7¢ shifts from General Debt Service (Capital) to General Fund (operating).
  - An average increase in Storm Water fees of 7.5%.
  - An average monthly Water and Sewer rate increase of 8.9% for residential customers.
  - No increases in CATS bus fares.
  - A new Airport Passenger Facility Charge of \$3.00 per passenger effective early 2005.

#### **Property Tax Rate**

- The property tax rate for FY2005 is a total of 42.0¢ per \$100 of assessed valuation. The FY2005 assessed value is estimated at \$62.7 billion, with an estimated collection rate of 97.41%. The distribution of the tax rate is as follows:

<b>General Operations</b>	<b>35.5¢</b>
<b>General Debt Payments</b>	<b>4.7¢</b>
<b>Pay-As-You-Go Capital</b>	<b>1.8¢</b>
<b>Total</b>	<b>42.0¢</b>

#### **Changes to the Recommended Budget**

##### Additions

- Council approved the following additions to the City Manager's recommended budget on June 2 and June 7, 2004:
  - \$385,000 for the construction of 40 additional kennels at CMPD's Animal Control Bureau, funded from the deletions below and \$39,000 from General Fund Reserves.
  - \$60,000 for the Beatties Ford Road After School Initiative, funded from within the existing allocations for Innovative Housing in the Pay As You Go Fund.

##### Deletions

- Council approved the following deletions to the City Manager's recommended budget on June 2 and June 7, 2004:
  - \$306,000 from the Recruitment and Retention Workforce Development Pool.

- \$40,000 from the Stop the Killing contract.

#### **Attachment 4**

##### Ordinance

#### **B. Adopt the FY2005-2009 Capital Investment Plan Resolution**

- The resolution approves the five-year capital investment expenditure and financing plan totaling \$2.2 billion, a 1% reduction compared to the current 5-year Capital Program.
- The Preliminary FY2005-2009 Plan as presented by the Manager has been adjusted because Council approved the \$53.0 million McDowell Wastewater Treatment Plant Expansion on May 10, 2004, thus this project was eliminated from the FY2005-2009 CIP.

##### Municipal Debt-Funded

- The recommended FY05-09 General Capital Investment Plan includes \$184.4 million in debt financing, of which \$46.4 million is existing approved debt and \$138.0 million is new debt. The new debt includes \$7.4 million for Annexation Fire Stations (financed through Certificates of Participation) and \$130.6 million for a general government bond referendum in November 2004. Recommended uses of the voter-approved general obligation bonds are as follows:
  - \$101.8 million for Street Improvements
  - \$15.0 million for Affordable Housing
  - \$13.8 million for Neighborhood Improvements

##### Pay-As-You-Go-Funded

- The five-year FY2005-2009 CIP includes \$172.4 million in Pay-As-You-Go and Current Revenues, a \$6.8 million or 4.1% increase over the current FY2004-2008 CIP.
- FY05 Pay-As-You-Go revenues are projected to increase by \$900,000 or 2.8% over the current year (FY04).
- Recommended Pay-As-You-Go expenditures include:
  - \$92.0 million for the City's maintenance of effort contribution to Transit
  - \$22.0 million for building and roof maintenance
  - \$21.4 million for Innovative Housing
  - \$4.5 million for Smart Growth Land Acquisition

##### Enterprise-Funded

- Major Storm Water projects include:
  - \$89.3 million for Neighborhood Flood Control Projects
  - \$23.8 million for Repairs to the Existing Storm Water System
  - \$19.1 million for Storm Water Channel Restoration

- Major Charlotte Area Transit projects include:
  - \$342.0 million for South and North Corridors development
  - \$98.1 million for Streetcar and Center City Transitway System
- Major Water and Sewer projects include:
  - \$205.0 million for 2005, 2007, and 2009 annexations
  - \$66.0 million for water and sewer line rehabilitation
  - \$44.0 million for street and minor water and sewer line extensions
  - \$43.1 million for Briar Creek Relief Sewer
- Major Aviation projects include:
  - \$80.0 million for a New Third Parallel Runway
  - \$79.5 million for Continued Expansion of Air Cargo Operations

## **Attachment 5**

### Resolution

#### **C. Adopt the FY2005 Employee Pay and Benefits Plan and Resolution**

- The recommendations included in the FY2005 Pay and Benefits Report include the following:

#### **Compensation**

- Public Safety Pay Plan
  - Public Safety employees will receive increases of 2.5% or 7.5% during FY2005.
  - A 2.5% structural market adjustment for all steps in the Public Safety Pay Plan. Public Safety employees will receive this increase effective July 3, 2004.
  - Funding for merit pay step increases in the Public Safety Pay Plan.
- Broadbanding Pay Plan
  - A 3% merit increase budget for all eligible employees in the Broadbanding Pay Plan.
  - Merit increases will range from 0% to 8% based on market position and performance level, but total merit increases in each Business Unit will not exceed 3.0%.
  - \$95,000 is included in the General Fund for a Recruitment and Retention, Workforce Development Pool to be managed by the Human Resources Key Business Unit.
  - A 3% increase to the band minimum and maximum rates in the Broadbanding pay structure. No employees will receive an increase as the result of this recommendation.
- Benefits
  - Renegotiate or rebid the current prescription drug benefit and authorize the City Manager or her designee to select a vendor and execute the contract and future contract amendments with the selected vendor.

- Effective no later than January 1, 2005, adopt a mandatory mail order program for maintenance drugs.
  - Effective January 1, 2005, increase the Emergency Room co-pay from \$50 to \$100.
  - Effective January 1, 2005, increase the medical plan deductible in the PPO High plans from \$200 to \$250.
  - Effective January 1, 2005, increase the medical plan deductible in the PPO Low and Indemnity plans from \$400 to \$500.
  - Effective January 1, 2005, change the out-patient lab and x-ray benefit from 100% to 85% in the PPO High plans and from 100% to 80% in the PPO Low plans.
  - Effective January 1, 2005, upon the death of a covered employee eligible for a monthly retirement benefit under the retirement system in which he or she participates and who meets the minimum service eligibility requirements for retiree health insurance, allow their covered surviving spouse and dependents the option to continue coverage at full cost in the City's group medical plan until the earlier of the spouse reaching age 65 (when Medicare becomes available) or remarriage of the surviving spouse.
  - Effective January 1, 2005, increase medical and dental insurance premiums as shown in Attachments G through I of the Pay and Benefits Report.
  - Include in the new medical premiums funding from the City and employees/retirees to enhance the current wellness program. Authorize the City Manager or her designee to approve wellness program enhancements and vendors and negotiate contracts and future contract amendments with vendors as necessary.
  - Effective January 1, 2005, increase retirees' share from 10% to 15% of the total premium for retiree only coverage and from 37% to 40% of the total premium if they cover themselves and dependents.
- Medical Stop-Loss Insurance
    - Authorize the City Manager or her designee to negotiate the final premium and terms with the current vendor or approve a vendor change if necessary.
  - Life Insurance
    - Upon completion of a rebidding process, authorize the City Manager or her designee to approve a vendor, negotiate terms and execute a contract and future contract amendments for the Group Life Insurance Plan.
  - Employee Assistance Program
    - Authorize the City Manager or her designee to negotiate program provisions and to execute a contract and any future contract amendments with Business Health Services.

**Attachment 6**  
Resolution

**D. Approve the Arts and Outside Agencies Contracts**

Charlotte Regional Visitors Authority \$4,761,335

- This new Authority results from the proposed merger of Visit Charlotte and the Auditorium-Convention Center-Coliseum Authority.
- City funding for the new Authority is to promote economic development in the Charlotte-Mecklenburg area by promoting the area as a destination for convention, leisure, and sports-related travel.
- Funding allocated to the Authority is derived from a portion of the proceeds of the prepared food and beverage tax and a portion of the countywide occupancy tax.
- At the time of the agenda printing, final approval of the merger is expected but not confirmed.
- If the proposed merger is not approved by the State legislature, funding will revert back to the two separate organizations.

**Attachment 7**

United Family Services (Victim Assistance) \$319,213

- The Victim Assistance Program provides community counseling, education, and individual assistance to adult and child victims of crime and to families of homicide victims.

**Attachment 8**

Arts & Science Council (ASC) \$3,017,000

- FY2005 funding for the Arts & Science Council remains at the same funding level as FY2004 except for an additional \$75,000 to provide to the Children's Theatre for building maintenance for a partial year in their new building.
- The Arts & Science Council oversees community-wide cultural planning, fundraising, grant administration, technical assistance, facility review, and other responsibilities to advance the cultural life of Charlotte and Mecklenburg County.

**Attachment 9**

Charlotte Regional Partnership \$110,539

- The Partnership is a regional economic development organization that works with local governments, the Chamber, and others to enhance economic activity in the region. The amount of City funding is derived on a per capita figure based on city population.

**Attachment 10**

Advantage Carolina

\$200,000

- Advantage Carolina is a public/private partnership sponsored by the Charlotte Chamber of Commerce to improve the economic vitality and quality of life through regional planning, corporate headquarters recruitment, technology programs in local schools, and other initiatives.
- This is the third of five annual installments for a total pledge of \$1 million.

#### Attachment 11

#### E. Approve the Municipal Service District Contracts with Charlotte Center City Partners and University City Partners

- The municipal service districts (MSDs) were created to enhance the economic viability and quality of life in select areas. Three MSDs are located in the Center City, the fourth is located in the South End area, and the fifth is located in the University City area. Revenues for these districts are generated through ad-valorem taxes paid by property owners in the districts in addition to the City's regular property tax rate.
- In FY2005, the City will contract with Charlotte Center City Partners (CCCP) for services in the three Center City Municipal Service Districts as well as for services in the South End Municipal Service District. The City will also contract with University City Partners for services in the University City Municipal Service District. The FY2005 contract amounts are increased 3.5% over the FY2004 amounts primarily due to increased development in the South End and University City.
- Prior to FY2005 the City contracted with Historic South End Development Corporation (HSE) for services in the South End MSD. Beginning July 1, 2004 CCCP and HSE will merge, with CCCP being the surviving entity. Through its FY2005 contract with the City, CCCP will continue to provide the same level of directed economic development and marketing services to the South End MSD as has been provided by HSE.
- The FY2005 tax rates in the five MSDs remain unchanged from the FY2004 rates.

<b>Municipal Service Districts Summary</b>		
<b>District</b>	<b>FY05 Tax Rate</b>	<b>FY05 Contract Amount</b>
District 1-Center City	1.74 ¢	\$712,376
District 2-Center City	1.24 ¢	\$192,311
District 3-Center City	2.71 ¢	\$526,859
District 4-South End	6.68 ¢	\$319,467
District 5-University City	3.00 ¢	\$163,690

**Attachment 12****F. FY2005 Job Training Contracts**

Charlotte-Mecklenburg Workforce Development Board (WDB) Job Training Contract	\$6,908,360
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Source of Funds

Workforce Investment Act Grants	\$6,799,860
General Funds	108,500

- On January 1, 2000 the Workforce Development Board (WDB) assumed the responsibility for the operation of the Job Training Program, funded by federal Welfare Investment Act (WIA) Grants. The City retained management oversight and continues to serve as the fiscal agent for the program. The City contracts with the WDB on an annual basis to implement WIA services in the Charlotte Mecklenburg area. This contract includes funding for:
  - WDB operations,
  - Contract monitoring of agencies including the Employment Security Commission, Child Care Resources, Goodwill Industries, and Affiliated Computer Services Inc. (ACS),
  - Job readiness and other programs for 550 youth,
  - JobLink Center operations which will serve 50,000 people, and
  - Job training for 516 adults and dislocated workers.

**G. Approve the Human Services Contracts**

- The FY2005 Consolidated Action Plan, approved by Council on May 10, 2004, identifies priorities for federal housing and community development resources including the Community Development Block Grant (CDBG) and Innovative Housing Funds. Human services contracts for After School Enrichment Programs are part of the projected FY2005 CDBG and Innovative Housing-funded activities.
- The contracts provide educational enrichment activities for elementary, middle, and high school students of families with low incomes who reside in the City Within A City (CWAC) boundaries. The following contracts are funded by the human/public services component of the CDBG program:
 

Bethlehem Center	\$199,207
St. Paul Enrichment Program	\$57,735
- The following two contracts will be funded with Innovative Housing Funds:
 

YWCA Central Carolinas After School	\$114,546
Charlotte-Mecklenburg Schools After-School Enrichment	\$185,576

## H. Approve the FY2005 Housing Development and Support Contracts

The FY2005 Consolidated Action Plan approved by Council May 10, 2004, establishes strategies to provide affordable housing and supportive services for low and moderate- income families and individuals as part of an overall community revitalization strategy.

Charlotte Mecklenburg Housing Partnership, Inc. (CMHP)  
Affordable Housing Contract \$2,000,000

This contract includes funding to address planning for future multifamily and single-family housing development by:

- Increasing affordable homeownership opportunities. CMHP will provide 75 units of financial assistance by originating 75 first, second and third mortgages or make grants to families purchasing homes.
- Increasing affordable rental opportunities. CMHP will provide 100 additional rental units.
- Developing affordable housing. CMHP will begin development or place under construction 80 additional units.
- Continue to develop the Park at Oaklawn. CMHP will construct 83 elderly units.
- Working with the YWCA to provide technical and financial assistance to begin renovating 60 women in transition units.
- Continue to develop single family homes at the Arbor Glen Development.
- Continue to plan for development of a transit oriented project.
- Beginning construction of Rocky Branch and Tyvola Crossing.
- Continue to manage financial procedures and obtain clean opinion on annual audit.

### Source of funds

- CDBG/HOME: \$1,000,000
- Innovative: \$1,000,000

Regional HIV/AIDS Consortium \$571,000

The Consortium manages the City Housing Opportunities for Persons with HIV/AIDS (HOPWA) federal grant. Responsibilities include:

- Awarding restricted-use grants to qualified organizations in the seven-county metropolitan statistical area to provide housing and housing-related services for people living with HIV and AIDS.
- Distributing funds available through the HOPWA program in compliance with 24 CFR Part 574 and other applicable HUD regulations.
- Ensuring that all HOPWA funds are expended to provide maximum access to housing for eligible people affected by HIV and AIDS, including family as defined by 24 CFR Part 574.3.
- Monitoring distribution and proper expenditure of funds distributed to grantee agencies in the region.

Crisis Assistance Ministry \$380,000

The Ministry programs provide critical assistance to low-income families.

- Crisis Assistance Energy Assistance (\$180,000) – These funds are used to directly pay utility companies for bills due from low-income families. This program serves approximately 1,180 families at an average of \$142.
- Crisis Assistance Emergency Rental Assistance (\$200,000) – These funds are targeted for low-income families living in specific areas of the City and address housing problems. This program assists approximately 1,250 families at an average cost of \$158 per family.

UJAMMA, Inc. \$210,000

- UJAMMA, Inc. provides housing counseling services with an emphasis in creating homeownership in CWAC and specifically the City's targeted neighborhoods. On February 25, 2002 City Council approved awarding a three-year contact to UJAMMA, Inc. This is the third year of a three-year contact commitment. The contract is a performance-based contract therefore funding is up to \$210,000. The goal in FY2005 is to create 100 new homeowners.

Consumer Credit Counseling Services \$170,000

- Consumer Credit Counseling Service (CCCS) provides counseling associated with mortgage default and rental delinquency. On February 25, 2002 Council approved awarding a three-year contract to CCCS. This is the third year of a three-year commitment. The contract is a performance-based contract therefore funding is up to \$120,000. The goal in FY2005 is to serve 600 clients through the program.

**I. Direct staff to perform studies of six budget topics in preparation for the FY2006-2007 budget process**

The six topics listed below were part of a list of several budgetary resource – enhancing topics that were recommended during the FY2005 budget development process. Staff reviewed possible budget topics in preparation for the FY2006-2007 two-year budget process. These topics offer opportunities for expenditure savings or increased revenues with service level changes or revenue increases. Each topic has unique issues related to service levels, impact on citizens and implementation obstacles. At the June 7<sup>th</sup> Workshop meeting, Council directed staff to bring forward a process and stakeholder group to review the user fee cost recovery policy.

Staff will report back on these topics at the Council's winter budget retreat. The topics are as follows:

- Multi-family refuse collection
- Bulky item collection
- State highway right-of-way debris pick-up and street cleaning

- Solid Waste Services collection fee
- Business privilege licenses rates
- Regulatory user fees percentage recovery options

#### **J. Other Budget Items**

The budget ordinance included is the City's annual budgetary operating ordinance. Sections 1 through 11 of this Ordinance reflect the items included in the Manager's Recommended Budget that Council is approving with this action.

The remaining sections of the Annual Ordinance serve to adjust the Manager's Recommended Budget for changes approved by Council through the previous actions approved on this agenda, as well as make budgetary corrections to the current fiscal year for technical, accounting, and other "wind-up" tasks necessary prior to the fiscal year's end.

Sections 12 through 16 are additional actions to be effective for FY05. Sections 17 through 59 are wind- up actions for FY04.

Following are descriptions of the remaining sections' purposes.

Section 12 appropriates a grant from Mecklenburg County's Department of Social Services for \$125,000 to continue the Community Relations Committee's Dependency Mediation Program. The previous grant resource for this service ends effective June 30, 2004.

Sections 13 and 14 estimate and appropriate \$400,000 (\$200,000 in the General Fund and \$200,000 in the Public Safety Grants Fund) for funding from sources such as grants and donations routinely received by the City throughout the fiscal year. Establishing this miscellaneous account will alleviate the need for relatively small, non-recurring donations on Council agendas. Council will be notified when these grants and other donations are received.

Section 15 appropriates \$62,500 available from Wachovia for the Small Business Enterprise Loan Fund. This action is a follow up to Council's February 9, 2004 agenda in which Wachovia donated an additional \$62,500 to the Loan Fund, making their total contribution \$125,000. The actions were split due to Wachovia's desire to make the first payment in FY04 and the second in FY05.

Section 15a appropriates \$39,000 from the General Fund's reserves to complete the funding needed for the Animal Control facility's kennel expansion. The balance of funding (\$346,000) is redirected from the programs Council reduced in (Recruitment and Retention Workforce Development Pool -\$306,000) and eliminated from (Stop the Killing financial partner -\$40,000) the original budget recommendation.

Section 16 appropriates \$199,310 for the City's Public Art Program allocation for the FY05 General Capital Program.

Sections 17 and 18 appropriate \$447,751 for the City's Public Art Program for the FY04 General (\$183,900) and Aviation (\$263,851) Capital Programs.

Sections 19 and 20 appropriate \$109,550 from developer contributions to General Capital projects for erosion control (\$10,000) and the Mt. Holly Rail Line Bridge (\$99,550).

Section 21 appropriates \$200,000 from NCDOT for a contract to inspect City-maintained bridges. The contract was approved by Council at the March 22, 2004 meeting.

Section 22 increases the General Fund by \$2,851 for the payment to Mecklenburg towns for the tourism subsidy. This payment is funded by a transfer from the Convention Center Tax Fund. The total payment for FY04 is \$1,177,051.

Section 23 increases the Public Safety 911 Services Fund to allow an additional \$325,000 of eligible charges from Charlotte-Mecklenburg Police.

Section 24 increases the total for Charlotte-Mecklenburg Utilities' lease purchase agreement by \$5.5 million to allow an accelerated implementation of the Automated Meter Reading project.

Section 25 appropriates additional private donations of \$2,169.81 to the Community Relations Committee. These funds are used for community awareness activities such as the Police Awards celebration and Martin Luther King, Jr. Day events.

Sections 26 and 27 appropriate \$23,152 in the Public Safety Grants Fund for grants from the Governor's Crime Commission to the CMPD Crime Lab for training (\$8,611) and equipment (\$11,989); and from additional private donations for the Animal Control Bureau (\$2,552).

Section 28 appropriates \$50,000 from asset forfeiture funds to the Public Safety Grants Fund for travel expenses associated with an October 2003 trip to an international policing conference in Wroclaw, Poland. Five employees attended and participated in presentations at the conference.

Section 29 appropriates \$20,000 in purchasing rebates to the Business Support Services KBU for staff training in cooperative purchasing agreements. The City's participation in these agreements produced the purchasing rebates; the additional training will allow the City to realize more of these rebates.

Section 30 appropriates \$92,893 to the Fire Department for reimbursement for fire suppression materials used on a fire in Rock Hill, SC (\$17,470); for donations from BiLo and Walmart for two new fire stations (\$4,000); and for reimbursement from the North Carolina Emergency Management Office for expenses associated with the assistance provided by CFD after Hurricane Isabel in September 2003 (\$71,423).

Section 31 returns \$1,035,804 to the General Fund's unappropriated fund balance from the Winter Storm 2002 Fund for additional reimbursements received from FEMA. The Storm Fund is retaining the approximately \$500,000 balance of the original \$7.5 million until final reimbursements and closeout inspections are completed.

Section 32 appropriates \$132,177.10 from the General Fund's unappropriated fund balance for the final amount of the City's match for prior years' Police hiring grants.

Section 33 corrects valuation calculations for Municipal Service Districts 3 and 5.

Section 34 amends appropriations to eliminate an error in recording duplicate appropriations for the Neighborhood Development Grants Fund.

Sections 35 through 41 appropriate additional funds for Neighborhood Development as follows:

- \$1,174,667 for the Workforce Investment (WI) Fund due to the WI Act grant's actual award being higher than originally estimated
- \$135,644 for the HOME Fund from additional program income
- \$132,885 for the Innovative Housing Program from additional program income
- \$126,123 to repay a portion of the City's Section 108 HUD loan from principal receipts on the Hope Haven loan
- \$37,672 contributed toward the Quality of Life study from Mecklenburg County's Departments of Social Services and Health and from Charlotte-Mecklenburg Schools
- \$20,724 for the Economic Development Revolving Loan Fund from interest income
- \$11,599 for the Enterprise Community Grant Program from Emergent Technologies

Section 42 appropriates \$13,628,470 for CATS' South Corridor Rail project for final design contracts, additional right of way purchase, utilities relocation, and other associated costs. The federal (\$6,814,235) and state (\$3,407,117) grants portions of this amount are to be advanced from CATS' Operating Fund 7801 reserves pending award of the grants. This advance would become the permanent source of funding if the grant funding is not received.

Section 43 appropriates \$400,000 from the Pay As You Go Fund fund balance to replenish the City's Productivity Improvements account.

Section 44 adjusts projects within the Aviation Operating and Capital Project Funds to reflect revised sources of funding and additional appropriations for the Discretionary Fund.

Section 45 appropriates the remaining fund balances in Municipal Service Districts 1, 2, 3, and 4 to Charlotte Center City Partners (CCCP). The Districts'

fund balances (currently totaling \$524,408) will be maintained by CCCP in their investment fund with a minimum of 8% reserve.

The remaining sections are technical accounting changes necessary to clarify or correct FY2004 and other prior-year budgetary ordinances.

**K. Approve the Storm Water fee rates, effective July 1, 2004, for the Minor Drainage System in the City of Charlotte**

In accordance with the Inter-local Agreement on storm water services, this action will inform the County of the amount to be charged for the City's portion of the fee. The County Commission is scheduled to adopt their budget on June 15, 2004.

The current long-range plan for the storm water program includes annual increases in the City's storm water fee, coupled with bond funding, in order to finance the ongoing response to new and backlogged citizen requests for service. The fee change for FY05 is illustrated below:

	FY04 Monthly Fee	FY05 Monthly Fee
Detached homes with less than 2,000 sf impervious area	\$2.83	\$3.04
Detached homes with 2,000 sf or more impervious area	\$4.16	\$4.47
Other residential or non-residential development per acre of impervious area	\$69.35	\$74.51

In accordance with the Inter-local Agreement on storm water services, the City of Charlotte and Board of County Commissioners conducted a joint public hearing on changes to the City's portion of the storm water fee on May 18, 2004.

The Charlotte-Mecklenburg Storm Water Advisory Committee has recommended approval of the proposed FY05 Storm Water program.

**L. Approval of a Contract with the Arts & Science Council – Charlotte-Mecklenburg, Inc. and the Public Art Commission for administration of the Art Program and approval of the FY2005 Public Art Work Plan**

- On May 27, 2003 the City Council adopted an ordinance pertaining to the allocation and administration of funds for public art. The ordinance directs that an amount equal to 1% of the construction costs of eligible capital projects be provided for public art.
- The attached contract updates the previous 1994 contract with ASC Public Art and the Charlotte/Mecklenburg Public Art Commission by incorporating changes from the new ordinance.
- The FY2005 Public Art allocation is \$199,310.
- The attached work plan provides:

- Description of the artwork completed, obtained or commenced in FY2004
- Description of the CIP projects designated for inclusion of public art in the upcoming year and funding source
- Budget for the income and expenditures for such projects
- Description of the art plan for the upcoming year

### Attachment 13

## 11. Redevelopment of Old Convention Center



**Action:** Approve the Economic Development and Planning Committee's recommendation to authorize the City Manager to develop an agreement with Spectrum Properties for \$3.2 million in City infrastructure assistance and an in-kind contribution valued at \$480,000 for the redevelopment of the Old Convention Center with certain terms and conditions, including an equal cash contribution by Mecklenburg County.

**Committee Chair:** John Lassiter

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

### Explanation

- Spectrum Properties requests public assistance for a \$64 million project to redevelop the Old Convention Center into a 200,000 square foot urban entertainment center.
- The City would contribute \$3.2 million in cash to Spectrum over four years beginning in FY2006 for:
  - Retaining Wall \$500,000
  - Connection to Light Rail Platform \$500,000
  - Sidewalk and Pedestrian Infrastructure \$ 1,500,000
  - Walkway from Light Rail to College Street \$700,000
- The City would also make the following in-kind contributions:
  - Permanent easement along light rail corridor valued at \$330,000.
  - Waive rental charges for use of sidewalks during construction valued at \$150,000.
- The recommended terms and conditions are attached. Council would approve the final agreement.

### Small Business Opportunity

The Agreement will contain language obligating Spectrum Properties to establish a Small Business Enterprise goal for the project and work within the City's Small Business Program to use certified SBE's.

**Funding**

Transit and General Capital Investment Plan

**Attachment 14**

Presentation to ED& Planning Committee on May 19, 2004  
 Recommended Public Investment Structure – Terms and Conditions  
 Sustainability Index for Old Convention Center  
 List of Projects Delayed by Using These Source of Funds

## 12. Wachovia/Arts and Science Council 1200 Seat Theatre Project



**Action:** Approve the Economic Development and Planning Committee recommendation to authorize the City Manager to continue to discuss the 1200 seat theater project with Wachovia and the Arts and Science Council and address outstanding issues, including County involvement, and bring back a report to City Council in 60 days.

**Committee Chair:** John Lassiter

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

**Explanation**

- The Arts & Science Council (ASC) identified a 1,200 seat theater as one of the top priorities of the Cultural Facilities Master Plan.
- The Arts & Science Council requests \$20 million for a 1,200 seat theater to be developed as part of a 700,000 square foot Wachovia office tower.
- The proposal is to fund the \$20 million cost by using the new City/County incremental property taxes from the new office building.
- Working with ASC and Wachovia, City staff further defined the project and identified issues that need additional work. These issues include:
  - County involvement
  - Tax increment financing concept
  - Operating and capital cost savings from a mixed-use project
  - Need for the theater
  - Protection from cost overruns

**Attachment 15**

Presentation to Economic Development & Planning Committee on June 2, 2004

### 13. Annual Performance Evaluation Process for the City Manager and City Attorney



- Action:**
- A. Approve the Restructuring Government Committee's recommendation for a new process for the annual performance evaluation of the City Manager and the City Attorney, and**
  - B. Schedule a special meeting beginning at 4:00 p.m. on Monday, August 30, 2004 to conduct the 2004 evaluations for the City Manager and the City Attorney.**

**Committee Chair:** James Mitchell

**Staff Resources:** Pam Syfert, City Manager  
Mac McCarley, City Attorney  
Tim Mayes, Human Resources Director

#### **Explanation**

- The City Manager referred a recommended revised process for conducting the annual evaluations of the City Manager and the City Attorney to the Restructuring Government Committee for its review.
- Restructuring Government Committee unanimously recommended approval of the attached evaluation framework and process for the City Manager, as well its use as a model for the City Attorney's evaluation.

#### **Proposed New Process**

- Differences between the new process and the prior process include:
  - Adopt an "Evaluation Framework" which sets forth the purpose and importance of the annual evaluation process
  - Conduct the annual evaluations on a fiscal, rather than calendar year basis, with the goal of completing evaluations in July or August annually
  - Use Lyle Sumek in this first year as a facilitator to refine the process, interview the Mayor and City Council about the City Manager's performance during the past year and draft expectations for the coming year based on those interviews. Council may decide in future years whether an outside facilitator is needed, or whether the City's Human Resources Director may assume that role. The estimated cost of employing Lyle Sumek in this capacity is \$5,000.
  - Develop standard evaluation criteria and forms against which to evaluate the City Manager

#### **Restructuring Government Committee Revisions**

- The Committee made the following changes to the Manager's proposal:
  - Separated the "Resource Management" evaluation criteria into "Budget" and "Administration" components
  - Separated the "Communications" evaluation criteria into "Internal Communications" and "External Communications" components
  - Added a "Leadership and Leadership Development" evaluation criteria

- Converted the evaluation scale for each criteria from a ranking ranging from “Completely Ineffective to Exceptionally Effective” to a ranking ranging from “1” (Completely Ineffective) to “5” (Completely Effective)
- Stressed the importance of using the annual evaluation process to identify the issues that the Mayor and City Council members wish to accomplish through the City Manager during the coming year
- Recommended a special Council meeting be held on Monday, August 30, 2004, beginning at 4:00 p.m., specifically for the purpose of conducting the evaluations of the City Manager and City Attorney. The proposed schedule is as follows:

Evaluation of the City Manager	4:00 p.m.
Dinner	5:30 p.m.
Evaluation of the City Attorney	6:00 p.m.

#### **Annual Performance Evaluation of the City Clerk**

- The City Manager and the City Clerk have begun conversations about the City Manager conducting the Clerk’s annual performance evaluation. If the Mayor and City Council concur, then the Manager and the Clerk will develop a process to do so.
- Council approval of any change to the City Clerk’s annual performance evaluation process changes none of the Charter provisions relative to the hiring and termination of the City Clerk. The change would delegate the evaluation responsibility to the City Manager.

#### **Attachment 16**

City Manager’s Referral Memorandum  
Evaluation Framework  
Evaluation Forms

## **14. Picketing, Public Assembly and Parade Ordinance Revisions**



**Action:** Approve the Community Safety Committee recommendation to adopt a revised picketing, public assembly, and parade ordinance.

**Committee Chair:** Patrick Cannon

**Staff Resource:** Bob Hagemann, Assistant City Attorney

#### **Explanation**

- During the recent recodification of the City Code, staff identified the need to update the picketing and parade regulations to conform to developing First Amendment law and current administrative practices.

**Process**

- Initial proposal presented to City Council on February 23, 2004
- Council referred to the Community Safety Committee and requested stakeholder input
- Staff held stakeholder meetings on March 24 and 25, 2004
- Staff considered input from stakeholders and developed revised ordinance
- Revised ordinance and explanation of changes sent to stakeholders on May 14, 2004
- Staff presented the revised ordinance to the Community Safety Committee on May 27, 2004

**Revisions to February 23 Proposal**

- Eliminate permitting system for pickets of 25 or more
- Eliminate two-hour notification requirement for pickets of less than 25
- Establish 48-hour notification requirement for pickets of 50 or more – no notice required for pickets of less than 50
- Violation for failure to give notice if organizer knew, or should have known, that the picket would have more than 50 people - City has burden of proof
- Eliminate prohibition adjacent to elementary or secondary school (existing State disorderly conduct laws determined to be adequate)
- Treat demonstrations at the Old City Hall lawn, the Charlotte-Mecklenburg Government Center plaza, Marshall Park, Polk Park, Independence Square Plaza, and Arequipa Park the same as sidewalk picketing (i.e. 48-hour notice if 50 or more, no notice if less than 50) rather than previously proposed 30-day advanced permitting requirement
- Targeted picketing of private residence still prohibited

**Committee Discussion**

- The Community Safety Committee voted 4-0 (Council member Kinsey absent) to recommend the revised proposed ordinance to the City Council for adoption.

**Community Input**

Stakeholders meetings held on March 24 and 25, 2004

**Attachment 17**

Revised Ordinance

Stakeholder Meeting Agenda

Stakeholder Meetings Attendees and Input

Memo to Stakeholders

## BUSINESS

### 15. Mountain Island Lake Memorandum of Understanding

**Action:** Approve a Memorandum of Understanding with Gaston, Lincoln, and Mecklenburg Counties, Cities of Mount Holly and Gastonia, Towns of Cornelius and Huntersville, Centralina Council of Governments, and Mountain Island Lake Marine Commission.

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

**Explanation**

- Workshop involving elected officials from Mountain Island Lake watershed held on January 14, 2004
- Actions required to protect water quality in Mountain Island Lake were discussed
- Memorandum of Understanding (MOU) provides for
  - Establishment of a Mountain Island Lake Work Group to develop guidelines for protecting the Lake
  - Written communication when specific actions within the watershed are proposed by any of the partners
  - Future Work Group meetings involving elected officials and the public
- MOU requires notification and time to comment on activities within the watershed
  - Zoning ordinance changes that could impact water quality in Mountain Island Lake
  - Changes to erosion control ordinances
  - Expansion of wastewater treatment plants
  - Public acquisition of land that affects water quality
  - Addition or expansion of proposed transportation thoroughfares
  - Changes to lake use/management regulations
  - New or amended land use plans that could impact water quality in Mountain Island Lake
  - Local legislation affecting Mountain Island Lake watershed
- Geographical scope of MOU that applies to Charlotte is limited to small area in the City's extra territorial jurisdiction that includes Mountain Island Lake watershed. Map is on page seven of the attached MOU.
- No consequences for failing to provide notifications identified in MOU

**Attachment 18**

Memorandum of Understanding

## 16. Nominations to Boards and Commissions

**Action: Nominate citizens to serve as specified.**

### A. CIVIL SERVICE BOARD

#### Regular Member

One appointment beginning immediately and ending May 2005.

- Al Mandell resigned.

#### Alternate Member

One appointment beginning immediately and ending May 2006.

- On May 10 Council appointed Mike Todd to a Regular seat.
- The alternate position is now vacant.

### Attachment 19

Applications

**Action: Nominate a Council member to serve as specified.**

### A. CHARLOTTE-MECKLENBURG HOUSING PARTNERSHIP

James Mitchell resigned from the Housing Partnership.

- Nominate and/or appoint another Council member to serve the remainder of the Council term until December 2005.

## 17. Appointments to Boards and Commissions

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

### A. PRIVATIZATION/COMPETITION ADVISORY COMMITTEE

One appointment beginning immediately, serving until March 2006.

Roosevelt Gardner resigned.

No candidate received six votes on May 10 or May 24.

One appointment beginning immediately and ending March 2006. Pamela Beckman resigned.

David Gable by Council member Mumford  
 Bonita Hairston by Council member Kinsey  
 Curtis Ray by Council member Mitchell  
 Rick Ward by Council member Tabor

**Attachment 20**  
Applications

## **MAYOR AND COUNCIL TOPICS**

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

## Introduction to CONSENT

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

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

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

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

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

Contractors and Consultants

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

## CONSENT I

### 18. Various Bids

#### A. Refuse Truck Cab & Chassis/Alternate Solid Waste

##### **Action**

The Charlotte Solid Waste Services Director and the Equipment Management Division recommends the only unit price bid of \$89,196.17 by Adams International of Charlotte, North Carolina for Item #1, an Automated Truck Cab & Chassis; and Freightliner of Charlotte, North Carolina for the lowest unit price of \$63,515 for Item #2, a Rearloader Truck Cab & Chassis. The contract is for one year with an option to renew for two, additional one-year periods.

##### **Small Business Opportunity**

The Small Business 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 this project.

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**B. FY2003 Annexation, US 521 Area Water and Sewer Mains** **CMU**

**Action**

Award the low bid of \$1,393,472.85 by R. H. Price, Charlotte, North Carolina. This project provides newly annexed areas with access to City water and sewer services through public right-of-way via gravity sewer and water mains.

**Small Business Opportunity**

Established SBE Goal: 5%

Committed SBE Goal: 5.10%

Price has committed \$70,500 to two SBE firms: Huneycutt Utilities and Pave Carolina

**C. Long Creek Pumping Station** **CMU**

**Action**

Award the low bid of \$13,640,980 by Pizzagalli Construction Co., Burlington, Vermont. This project replaces the current pump station in the Long Creek Watershed, which is deteriorating and undersized. This project was approved in the 1998 CIP Program.

**Small Business Opportunity**

Established SBE Goal: 5%

Committed SBE Goal: 2.13%

Despite Pizzagalli's failure to meet the goal for this project, they exceeded the 128 minimum Good Faith Effort Points, by earning 175 points. The mandatory number of contacts was 40, and Pizzagalli contacted 110 SBEs. Pizzagalli has committed \$290,658 to four SBEs: DOT construction, ITT, Inc., CITI, Inc., and Ms. Sybil's Seeding

**D. Wesley Heights Boulevard Neighborhood Improvement** **EPM**

**Action**

Award the low bid of \$501,483.84 by United Construction of Charlotte, North Carolina. This project will provide curb, sidewalk, drainage improvements, and pavement improvements on selected streets within the Wesley Heights neighborhood. Wesley Heights is one of 22 neighborhoods approved in the 2000 Neighborhood Improvements bonds. Construction completion is first quarter 2005.

**Small Business Opportunity**

Established SBE Goal: 3%

Committed SBE Goal: 3%

United Construction committed 3% or (\$15,750) of the total contract amount with the following certified SBEs: Chippewa Trucking, Happy Jack, and Ricco's Complete Maintenance.

**E. Cemeteries Improvement EPM****Action**

Award the low bid of \$355,204.50 by United Construction, Inc., of Charlotte, North Carolina. Work includes the installation of entrance signs, fencing, and curb at Evergreen, Oaklawn and Pinewood Cemeteries. The improvements will bring the gateways to these three cemeteries up to a similar standard of appearance as Elmwood and Settlers. Construction completion is third quarter 2004.

**Small Business Opportunity**

Established SBE Goal: 5%

Committed SBE Goal: 0%

United Construction complied with the good faith efforts provisions.

**F. Construction of the CATS Park and Ride Facility in Matthews CATS****Action**

Award the low bid of \$971,157.88 by Morlando-Holden of Charlotte, North Carolina for construction of the CATS Park and Ride facility in Matthews. The Park and Ride facility will be located west of Independence Boulevard on Independence Point Extension between Sam Newell and Windsor Square Drive.

**Disadvantaged Business Enterprise**

Established DBE Goal: 19.8%

Committed DBE Goal: 25%

The DBE firms participating are The HM Hunter Company, Gastonia Iron, MT Waterproofing Company, The South End Painting and Stuart Page Company, Inc.

**G. Thermoplastic Pavement Markings CDOT****Action**

Award the low bid of \$124,566.75 by ACS Parking Area Maintenance, Inc of North Carolina. This project will consist of maintaining existing pavement markings at various locations and installing/maintaining pavement markings using reflective thermoplastic on specified streets.

**Small Business Opportunity**

The Program Manager waived the SBO goal.

## 19. Refund of Taxes

- Action:**
- A. Adopt a resolution authorizing the refund of property taxes assessed through clerical or assessor error in the amount of \$598,504.23, and**
  - B. Adopt a resolution authorizing the refund of business privilege license payments made in the amount of \$15,878.30.**

### **Attachment 21**

Resolutions

List of refunds

## CONSENT II

### 20. Planning Interlocal Agreement



**Action:** Approve an amended Planning Interlocal Agreement to implement amendments approved in concept by the City Council and Mecklenburg County Commission in November 2003.

**Staff Resource:** Curt Walton, Assistant City Manager

#### Explanation

- In November 2003 the City Council and Mecklenburg County Commission approved in concept the following amendments to the 1988 Planning Interlocal Agreement:
  - Eliminated all portions dealing with recruitment, selection, evaluation and termination of the Planning Director, thereby making those actions pursuant to the City Charter;
  - Eliminated all portions dealing with the development, review and approval of the annual work plan, thereby giving that authority to the City Manager and the City Council;
  - Provided Mecklenburg County input into “significant text amendments to land use ordinance, such as zoning and subdivision regulation that would have major policy impacts or involve the application of significant public policies”. Comments would be received from the County as written submittals to public hearings held on such items;
  - Provided the City with similar input into park master planning and the local of schools
- City Council and the County Commission approved the agreement in concept and directed staff to develop a new Interlocal Agreement for formal adoption.
- City and County staff have been operating under these amended guidelines since conceptual approval.
- This action is the formal adoption of the amended Interlocal Agreement.
- The County Commission is scheduled to approve this Agreement on July 13, 2004.

#### Attachment 22

Planning Interlocal Agreement

### 21. Set Public Hearing Date for Voluntary Annexation

**Action:** Adopt a resolution setting a public hearing for July 26, 2004 for a voluntary annexation of the “Ballantyne YMCA” Property.

**Staff Resources:** Jonathan Wells, Planning Commission  
Mike Boyd, City Attorney's Office

**Policy:**

City Annexation Policy and State Annexation Statutes

**Explanation**

- Voluntary annexation petition was received from YMCA of Greater Charlotte for land it owns in Charlotte's extraterritorial jurisdiction.
- The 22.9 acre parcel is the site of the Ballantyne YMCA.
- Property shares a boundary with current City limits.
- Public hearing is required prior to City Council taking action on annexation request.

**Consistency with City Council Policies**

- Consistent with voluntary annexation policies approved on March 24, 2003
- Annexation will not adversely affect the City's ability to undertake future annexations.
- Annexation will not have undue negative impact on City finances or services.
- Annexation will not result in situation where unincorporated areas will be encompassed by new City limits.

**Resolution Sets Public Hearing Date**

- The resolution sets Monday, July 26, 2004, as the date for a public hearing on the voluntary annexation.
- City Council will be asked to take action on voluntary annexation at the conclusion of public hearing.

**Attachment 23**

Resolution

Map

## 22. 311 Design and Implementation Contract

**Action: Approve a contract with Accenture in the amount of \$600,000 to provide consultant services for the design and implementation of a 311 Customer Service Call Center.**

**Staff Resource:** Saskia Thompson, City Manager's Office

**Explanation**

- On February 2, 2004, Council received an overview and schedule for the development of a consolidated City/County 311 Customer Service Call Center. Council was informed of the intent to bid two separate contracts, one for a new phone system and one for a design and implementation consultant.
- On April 25, 2004, Council approved a contract to purchase a new phone system to replace the current system used by the existing Customer Service

and Information Center, and to be used for a fully constructed 311 Call Center.

- A Request for Proposal (RFP) to secure a design and implementation consultant was issued in March 2004. Four vendors responded to the RFP, all of which were evaluated for call center experience, understanding of project goals, and strength of project plan. Staff is recommending Accenture, in partnership with PSComm, to be the consultant based upon its depth of experience in developing 311 Call Centers in other cities and familiarity with non-emergency police call functions.

#### **Project Detail**

- Accenture will serve as the design and implementation consultant for a period of approximately one year, from contract signing up to and through launch of a 311 Call Center in July 2005.
- Accenture will lend its expertise in six areas of focus: Program Management, Business Process Analysis and Design, Operations Analysis and Design, Change Management Process, Technology Planning, and Call Center Facility Selection.
- As a part of this engagement, Accenture will complete a detailed analysis of the seven highest volume City and County call centers.

#### **Small Business Opportunity**

The Program Manager waived the SBE subcontractor goal for this project. There were no subcontractor opportunities due to the level of expertise needed in the core area of the contact.

#### **Funding**

FY2004 Operating Budget

## **23. Transit Station Area Planning Contract**

**Action:**   **A. Authorize the City Manager or designee to execute an agreement with Glatting Jackson to provide station area planning services in conjunction with the studies of the North, Northeast, Southeast and West transit corridors. The amount of the contract shall not exceed \$2,475,000, and**

**B. Adopt a budget ordinance appropriating \$2,475,000.**

**Staff Resource:**     John Muth, Charlotte Area Transit System  
                               Laura Harmon, Planning

**Policy**                     2025 Integrated Transit/Land Use Plan

**Explanation**

- The Charlotte Area Transit System (CATS) is undertaking the next phase of engineering, environmental analyses, and station area planning for the North, Northeast, Southeast and West (US-74) transit corridors.
- The Station Area Planning Consultant will work in coordination with CATS, CDOT, CMPC, and the towns of Matthews, Davidson, Cornelius, Huntersville, and Mooresville to achieve the following:
  - A system-wide planning framework to ensure consistency in station area planning activities, including station locations and conceptual area planning across all corridors;
  - An evaluation of candidate station locations in each corridor, including an assessment of how desired station locations affect the proposed alignment and promote transit oriented development; and
  - A conceptual station area plan that includes proposed transit-oriented land use and planning level assessment of the infrastructure required to support the proposed level of transit-oriented development.
- The firm Glatting Jackson has been selected as the most qualified firm on the basis of a competitive, Request for Qualifications solicitation to provide the station area planning services for the four corridors.

Deleted:

Deleted:

**Disadvantaged Business Enterprise**

Established DBE Goal: 11 %  
 Committed DBE Goal: 11%

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The DBE firms participating are Kubilins, The Littlejohn Group, The Lyerly Agency and Neighborhood Concepts.

**Funding**

Transit Capital Investment Plan

**Attachment 24**

Budget Ordinance

**24. Transit Corridor Contract Amendment with Parsons Transportation Group**

**Action:**

**A. Authorize the City Manager or designee to execute amendment #5 to Parsons Transportation Group Final Design and Construction Management contract for the South Corridor Light Rail Project not to exceed \$3,800,000 to initiate the Draft Environmental Impact Statement and 15% Engineering design for the Northeast Corridor, and**

**B. Adopt a budget ordinance appropriating \$4,500,000 which covers the cost of the contract (\$3,800,000) and direct and indirect expenses (\$700,000) associated with the project.**

**Staff Resource:** John Muth, Charlotte Area Transit System

**Policy** 2025 Corridor System Plan

**Explanation:**

- Amendment #5 will provide funding for Parsons Transportation Group to begin preparation of the Draft Environmental Impact Statement (DEIS) and to perform 15% design to extend the South Corridor light rail line into the Northeast Corridor.
- Extension of the South Corridor light rail into the North East Corridor will connect Pineville and University City.
- This scope of work was included in the consultant selection process for South Corridor Final Design and Construction Management.
- Completion of the DEIS and 15% design for the corridor will require approximately 18 months of work by the contractor.
- An additional contract amendment will be requested to complete the design work in FY2006.
- In FY2003, Parsons Transportation Group was selected through a competitive process for Final Design and Construction Management for the South Corridor light rail line and awarded a \$36,036,154 contract which was approved and executed. The current contract value is \$38,991,014.
- The budget ordinance authorizes appropriation of funds required for project work in FY2005.

**Disadvantaged Business Enterprise**

Established DBE Goal: 10 %

Committed DBE Goal: 12%

The DBE firms participating are Neighboring Concepts, Stewart Engineering, Inc., Kubilins Transportation Group, Torrance Reprographics, GNA Design, Personnel Unlimited, Charlotte Office, MA Engineering and Railcar Quality.

**Funding:**

Transit Capital Investment Plan

**Attachment 25**

Budget Ordinance

Contract Amendments

## 25. Furniture for New South Tryon Bus Facility

**Action:** Approve a contract with Knoll Furniture for office furniture for the new CATS South Tryon Bus Facility through the U.S. Communities Government Purchasing Alliance in an amount not to exceed \$152,331.77

**Staff Resource:** Keith Parker, Charlotte Area Transit System (CATS)  
Brad Miller, Charlotte Area Transit System

**Explanation**

- Construction of CATS' second Bus Operations & Maintenance Facility at 3145 South Tryon Street will be completed in February 2005.
- Furniture for the facility must be ordered in advance of the completion.
- To allow flexibility in reconfigurations of furniture and to save money by implementing high volume purchases, standardization of furniture across CATS and City administrative facilities is desirable.
- Knoll Furniture provides modular office furniture consistent with previous furniture purchases for other CATS and City office space.

**Contract Process**

- North Carolina Senate Bill 914, effective January 1, 2002, authorizes the use of competitive group purchasing by local governments.
- The City of Charlotte participates in the U.S. Communities Government Purchasing Alliance, a competitive group purchase consortium (as allowed by Senate Bill 914) that offers competitive bulk prices for office and school furniture and products. Knoll Furniture can be purchased through this Alliance.
- Knoll will provide \$152,331.77 worth of modular office furniture.
- Additional office furniture for the facility not available through Knoll will be competitively bid out this summer and subject to a future City Council authorization.

**Small Business Opportunity**

Since this purchase is through a competitive group purchase consortium, it is exempt from SBO requirements per Section 2.21 of the SBO Program Policy.

**Funding**

Transit Capital Investment Plan

**26. Transit Bus Procurement**

**Actions:** A. Exercise an existing contract option with the Gillig Corporation to purchase four low floor 30-foot buses for an amount not to exceed \$1,420,000, and

B. Purchase two Gillig Corporation low floor Hybrid Diesel-Electric 40-foot buses off an option currently held by Minneapolis Metro Transit for an amount not to exceed \$1,200,000.

**Staff Resource:** Keith Parker, Charlotte Area Transit System (CATS)  
Elizabeth Presutti, Charlotte Area Transit System

**Explanation****CATS' Existing Gillig Contract**

- On March 25, 2002, Council approved a competitively procured five-year contract with the Gillig Corporation to provide buses to CATS for its replacement and expansion needs.

- Four buses will be purchased under this “Year 4 Option” to be delivered to CATS in July 2005 for planned replacements and service expansions scheduled for FY2006.

#### **Hybrid Diesel-Electric Technology to be Tested**

- In addition, CATS will purchase two buses with Hybrid Diesel-Electric engines from the Gillig Corporation by piggybacking off an existing Minneapolis Metro Transit contract.
- Hybrid Diesel-Electric engines combines battery packs with a regular diesel engine to provide for up to a 90 percent reduction in pollutants, 15 to 25 percent savings in fuel economy, noise reductions, and a smoother ride for customers.
- Hybrid Diesel-Electric buses are operating in Minneapolis, Louisville, New York City, and Seattle.

#### **Disadvantaged Business Enterprise**

As a transit vehicle manufacturer, the Federal Transit Administration (FTA) requires specific DBE certifications from Gillig as a condition of being authorized to bid on transit procurements funded by FTA.

#### **Funding**

Transit Capital Investment Plan

## **27. Refinancing of Section 108 Loan by the U.S. Department of Housing and Urban Development**

**Action:** Approve the refinancing of the remaining balance of \$1.05 million of the Section 108 loan associated with the Mecklenburg Mill Housing project.

**Staff Resource:** Richard Woodcock, Neighborhood Development  
Stan Wilson, Neighborhood Development

#### **Explanation**

- In 1995 the U.S. Department of Housing and Urban Development approved a Section 108 loan in the amount of \$1,645,000 for the redevelopment of the Mecklenburg Mill Affordable Housing project.
- Key provisions of the loan include:
  - The repayment of the loan is guaranteed with Community Development Block Grant funds; and
  - The loan could not be refinanced within the first ten years.
- The ten-year time period is expiring and HUD has offered the City the opportunity to refinance the remaining loan balance at significantly lower rates. The remaining loan balance is \$1.05 million.

- The City will save an estimated \$220,000 over the next ten years on interest. The cost of refinancing is between \$7,000 and \$10,000.
- The property is currently is bankruptcy with the City in first lien position.

## 28. Water and Sewer Revenue Bond Anticipation Notes

**Action:** Adopt a resolution authorizing the issuance of up to \$400,000,000 of water and sewer system revenue bond anticipation notes for the purpose of funding projects approved in the City's Capital Investment Plan.

**Staff Resource:** Greg Gaskins, Finance

**Explanation:**

- Resolution authorizes application to the Local Government Commission (LGC) for approval of the notes, the financing team and the steps necessary to complete the note sales.
- This action will implement the construction-period variable-rate financing plan presented to Council at the February retreat.
- This construction period financing plan will lower the overall cost of capital because the money will only be borrowed as needed to fund project expenditures.
- At the end of a period, anticipated to be two years, the funds borrowed up to that time will be replaced with 30-year permanent financing.
- Council and the LGC will be asked to approve permanent financing.
- The LGC is expected to approve the plan by July 6, 2004.
- On July 26, 2004 Council will be asked to approve a note resolution and bond order that is required before the City can sell notes.

**Attachment 26**  
Resolution  
List of Projects

## 29. Studman Branch Pump Station, Force Main and Gravity Sewer

**Action:** Approve a change order for the Studman Branch Pumping Station, Outfall, and Force Main project in the amount of \$710,377 with Gilbert Engineering Company.

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

**Explanation**

- Change order provides for the following:
  - Removal of much larger quantity of rock than anticipated
  - Installation of additional sewer line

**Small Business Opportunity**

This project was initially awarded in December 2002. All additional work involved in this change order will be performed by the current contractor. Therefore, per Section 10.3 of the Small Business Opportunity Program, no SBE goals are required.

**Funding**

Sewer Capital Investment Plan

**30. Agreement with Chautauqua Airlines, Inc.**

**Action:** Approve an agreement with Chautauqua Airlines, Inc. permitting Chautauqua to operate at the Airport as a regional carrier for US Airways Express.

**Staff Resource:** Jerry Orr, Aviation

**Explanation**

- Chautauqua Airlines, Inc. (Chautauqua) requests an agreement to operate as a regional airline, flying as US Airways Express.
- The terms and conditions for Chautauqua are equivalent to the terms and conditions for other regional carriers at the Airport.

**Small Business Opportunity**

The SBO program does not apply to airline use agreements, which are not “Covered Contracts” as defined by the Program (Paragraphs 2.14 and 2.16 of the Program).

**31. Airport Lease Amendment with Wachovia Corporation**

**Action:** Approve a lease amendment to the corporate hangar and fuel facility leases between the City and Wachovia Corporation.

**Staff Resource:** Jerry Orr, Aviation

**Explanation**

- In 1998, the City and First Union Corporation entered into an agreement whereby First Union leased 6 acres of land containing two hangar buildings. At the same time, the City and First Union entered into an agreement whereby First Union leased space in the corporate aviation tank farm.
- Wachovia is the successor to First Union.
- Wachovia desires to amend its agreements with the City as follows.
  - To add .703 acres to the hangar leasehold;
  - To permit Wachovia to demolish one of two existing hangars;
  - To permit Wachovia to construct a new hangar in its place; and
  - To add another 15,000 gallon fuel tank to Wachovia’s space in the tank farm.
- The term of the Wachovia leases would remain the same. The leases expire in 2018, unless extended (at Wachovia’s option), through 2038.
- Wachovia will continue to pay rent on the hangar it is demolishing. In addition, the new hangar will become City property at the end of the lease.

### 32. **Airport Engineering Services Contract and Change Order for Ramp E**

**Action:** Approve a change order in the amount of \$275,300 to a contract with Talbert & Bright, Inc. for additional engineering services for Ramp E.

**Staff Resource:** Jerry Orr, Aviation

**Explanation**

- The Airport solicited qualifications from firms to perform engineering services for miscellaneous projects in April 2001. Eight firms, including Talbert & Bright, were selected.
- On December 9, 2002, Council approved a contract with Talbert & Bright, Inc. in the amount of \$496,666 for the design of expansion of Ramp “E” from 26 to 50 gates. This change order in the amount of \$275,300 will provide separation of design into five separate bid packages and engineering services during construction.

**Disadvantaged Business Enterprise**

Established DBE Goal: 10%

Committed DBE Participation: 9%

The DBE vendors are Torrance Blueprint and Graphics and AccuTech Surveying & Mapping LLP.

**Funding**

Aviation Capital Investment Plan

### 33. Airport Engineering Services Contract and Change Order for Taxiway M and Harlee Avenue On-Ramp

**Action:**    **A. Award a contract in the amount of \$124,855 to Talbert & Bright, Inc. of Charlotte, North Carolina for engineering services at the Airport for Taxiway M and Harlee Avenue On-Ramp, and**

**B. Adopt a budget ordinance appropriating \$1,125,000 in Federal Aviation Administration grant funds, and \$375,000 from the Airport Discretionary Fund Balance to be repaid by future General Airport Revenue Bonds.**

**Staff Resource:**     Jerry Orr, Aviation

#### **Explanation**

- The Airport solicited qualifications from firms to perform engineering services for miscellaneous projects in April 2001. Eight firms, including Talbert & Bright, were selected.
- This contract will provide engineering services for various federally funded projects including:
  - Taxiway M rehabilitation design
  - Harlee Avenue/Josh Birmingham Parkway on-ramp design
- On September 8, 2003, Council authorized the Aviation Director to accept any additional federal FAA Airport Improvement Program grant funds made available before the end of the 2003 Federal Government Fiscal Year.
- A \$1,125, 000 grant was offered and accepted by the Director on September 9, 2003. The grant will be used for Taxiway M reconstruction.
- The ordinance appropriates the grant funds and the remainder of the Airport's 25% share for the Taxiway M project and the Airport's 25% share of a future FAA grant for the Harlee project.

#### **FAA Disadvantaged Business Enterprise**

Established DBE Goal: 10%

Committed DBE Participation: 14%

DBE vendors are Torrance Blueprint and Graphics, IMDC (electrical) and AccuTech Surveying and Mapping LLP.

#### **Funding**

Aviation Capital Investment Plan

#### **Attachment 27**

Budget Ordinance

### 34. Airport Engineering Services for Various Projects

**Action:** Award a contract in the amount of \$173,624 to Talbert & Bright, Inc. of Charlotte, North Carolina for engineering services for various projects.

**Staff Resource:** Jerry Orr, Aviation

**Explanation**

- The Airport solicited qualifications from engineering firms to perform engineering services for miscellaneous projects in April 2001. Eight firms, including Talbert & Bright, were selected.
- This contract will provide engineering services for the following projects:
  - Reconstruction of Tunnel Road
  - Expansion of three public parking lots
  - Preliminary design services for the proposed Intermodal Facility
  - South Corporate Aviation Area access road

**Small Business Opportunity**

Established SBE Goal: 4%

SBE Committee Goal: 11%

Talbert & Bright, Inc. committed 11% (\$28,000) to SBE participation: On-Spec Testing, Inc.

**Funding**

Airport Operating Fund

Airport Capital Fund

### 35. BANNER Software Technical Maintenance and Support

**Action:** Approve payment to Indus Utility Systems Inc. in the amount of \$213,621 for renewal of software maintenance and support for the BANNER Utility Billing and Management System covering the period September 1, 2004 through August 31, 2005.

**Staff Resource:** Greg Gaskins, Finance

**Explanation**

- On August 25, 1997 City Council approved the BANNER software license maintenance and support agreements with SCT Utility Systems, which became Indus Utility Systems in 2003.
- 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 \$178 million annually, as well as to process work orders for Water, Sewer, and Storm Water related services.
- It is a mission 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. provides maintenance and support services for BANNER CIS and all associated modules.
- The BANNER software technical maintenance and support agreement renews on an annual basis and provides the City with software updates and problem resolution assistance. It is essential to help ensure the uninterrupted operation of the Utility Billing and Management System.

#### **Small Business Opportunity**

Indus Utility Systems, Inc. is the sole source provider for the maintenance and support of this proprietary system. This renewal did not provide an opportunity for subcontract utilization.

#### **Funding**

Finance Operating Budget

## **36. Property Transactions**

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

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

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

- A. Project:** NC49/US29 Interchange Reconstruction, Parcel # 26  
**Owner(s):** Marsha C. Cole, Attorney-in-Fact for Patricia B. Davis  
**Property Address:** 6801 North Tryon Street  
**Property to be acquired:** 2,174 sq.ft. (.183 ac.) of Fee Simple plus 7,978 sq.ft. (.094 ac.) of Temporary Construction Easement  
**Improvements:** None  
**Landscaping:** None

**Purchase Price:** \$38,675

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

**Zoned:** B-2

**Use:** Commercial/Vacant

**Tax Code:** 089-254-19

**Total Parcel Tax Value:** \$328,400

- B. Project:** Hickory Grove Road Widening, Parcel # 32  
**Owner(s):** Charlotte Realty Ltd. Partnership  
**Property Address:** 7006 East W.T. Harris Boulevard  
**Property to be acquired:** 8,000 sq.ft. (.184 ac.) of existing Right-of-Way plus 478 sq.ft. (.011 ac.) of Storm Drainage Easement, plus 2,442 sq.ft. (.056 ac.) of Sidewalk and Utility Easement, plus 2,115 sq.ft. (.049 ac.) of Utility Easement, plus 4,144 sq.ft. (.095 ac.) of Temporary Construction Easement  
**Improvements:** None  
**Landscaping:** Site Improvements-Trees/Shrubs  
**Purchase Price:** \$63,050  
**Remarks:** Compensation was established by an independent, certified appraisal and an appraisal review.  
**Zoned:** B-1  
**Use:** Business  
**Tax Code:** 099-311-16  
**Total Parcel Tax Value:** \$6,097,000
- C. Project:** Chantilly Storm Water Improvement - Phase IV, Parcel # 10  
**Owner(s):** David Scott Whittington  
**Property Address:** 2100 Bay Street  
**Property to be acquired:** 2,928 sq.ft. (.067 ac.) of Permanent Storm Drainage Easement plus 2,260 sq.ft. (.052 ac.) of Permanent Sanitary Sewer Easement, plus 928 sq.ft. (.021 ac.) of Temporary Construction Easement  
**Improvements:** None  
**Landscaping:** None  
**Purchase Price:** \$13,625  
**Remarks:** Compensation was established by an independent, certified appraisal and an appraisal review.  
**Zoned:** R-5  
**Use:** Residential  
**Tax Code:** 127-022-25  
**Total Parcel Tax Value:** \$142,200
- D. Project:** Andover Storm Drainage Improvements, Parcel #27  
**Owner(s):** Stephen L. Nelson and Katherine A. Meads  
**Property Address:** Vernon Drive  
**Property to be acquired:** 36,320 sq. ft. (.834 ac.) of Fee Simple  
**Improvements:** None

**Landscaping:** Trees

**Purchase Price:** \$360,000

**Remarks:** Compensation was established by an independent, certified appraisal and an appraisal review. Property to be used for construction staging area then resold after stormwater easements are added and construction is completed.

**Zoned:** R-3

**Use:** Vacant

**Tax Code:** 181-021-84

**Total Parcel Tax Value:** \$225,000

**Condemnations:**

- E. Project:** Clear Creek Basin Sanitary Sewer-Force Main, Parcel # 17  
**Owner(s):** Household Finance and any other Parties of Interest  
**Property Address:** 8740 Blair Road  
**Property to be acquired:** Total Combined Area of 11,011 sq.ft. (.253 ac.) of Sanitary Sewer Easement plus Temporary Construction Easement  
**Improvements:** None  
**Landscaping:** None  
**Purchase Price:** \$900  
**Remarks:** Compensation was established by an independent, certified appraisal and an appraisal review. City staff has yet to reach a negotiated settlement with the property owner.  
**Zoned:** R-1 (Residential District, Mint Hill Designation)  
**Use:** Single Family Residential  
**Tax Code:** 139-011-34  
**Total Parcel Tax Value:** \$186,400
- F. Project:** Clear Creek Basin Sanitary Sewer-Gravity, Parcel # 16  
**Owner(s):** C.G. Allen, Jr. and Suzanne Allen Gullede and any other Parties of Interest  
**Property Address:** 10680 Connell Road  
**Property to be acquired:** Total Combined Area of 68,956 sq.ft. (1.583 ac.) of Sanitary Sewer Easement plus Temporary Construction Easement  
**Improvements:** None  
**Landscaping:** None  
**Purchase Price:** \$2,550  
**Remarks:** Compensation was established by an independent, certified appraisal and an appraisal review. City staff has yet to reach a negotiated settlement with the property owner.  
**Zoned:** R-1 (Residential District, Mint Hill Designation)  
**Use:** Single Family Residential  
**Tax Code:** 139-082-03  
**Total Parcel Tax Value:** \$21,370

- G. Project:** Billy Graham/Wilkinson Realignment/Wilkinson Tunneling, Parcel # 6  
**Owner(s):** Charles J. Dunn, J. Vaughn Klutts, Jr. and any other Parties of Interest  
**Property Address:** Mulberry Church Road  
**Property to be acquired:** 18,052 sq.ft. (.414 ac.) of Fee Simple plus existing Right-of-Way, plus Permanent Storm Drainage Easement, plus Permanent Utility Easement, plus Temporary Construction Easement  
**Improvements:** None  
**Landscaping:** None  
**Purchase Price:** \$24,425  
**Remarks:** Compensation was established by an independent, certified appraisal and an appraisal review. City staff has yet to reach a negotiated settlement with the property owner.  
**Zoned:** I-1  
**Use:** Industrial  
**Tax Code:** 061-201-01  
**Total Parcel Tax Value:** \$28,000
- H. Project:** Clear Creek Basin Sanitary Sewer-Force Main, Parcel # 50  
**Owner(s):** Jeffrey T. Whitley and any other Parties of Interest  
**Property Address:** 8640 Blair Road  
**Property to be acquired:** Total combined area of 25,002 sq.ft. (.574 ac.) of Sanitary Sewer Easement plus Temporary Construction Easement  
**Improvements:** None  
**Landscaping:** None  
**Purchase Price:** \$2,150  
**Remarks:** Compensation was established by an independent, certified appraisal and an appraisal review. City staff has yet to reach a negotiated settlement with the property owner.  
**Zoned:** R (Residential District – Mint Hill Designation)  
**Use:** Single Family Residential  
**Tax Code:** 139-011-33  
**Total Parcel Tax Value:** \$124,700
- I. Project:** Charleston/Monroe Storm Drainage Improvements, Parcel # 1  
**Owner(s):** Kevin D. Shally and any other Parties of Interest  
**Property Address:** 5811 Doncaster Drive  
**Property to be acquired:** 2,261 sq.ft. (.052 ac.) of Permanent Easement plus Temporary Construction Easement  
**Improvements:** None  
**Landscaping:** None  
**Purchase Price:** \$1,025  
**Remarks:** Compensation was established by an independent, certified appraisal and an appraisal review. City staff has yet to reach a negotiated settlement with the property owner.

**Zoned:** R-3  
**Use:** Single Family Residential  
**Tax Code:** 163-072-02  
**Total Parcel Tax Value:** \$190,400

- J. Project:** Oaklawn Park Neighborhood Improvements, Parcel # 43  
**Owner(s):** Gladys S. Feimster and any other Parties of Interest  
**Property Address:** 2042 Oaklawn Avenue  
**Property to be acquired:** Total Combined Area of 5,122 sq.ft. (.118 ac.) of Fee Simple plus Sidewalk and Utility Easement plus Temporary Construction Easement  
**Improvements:** None  
**Landscaping:** None  
**Purchase Price:** \$2,125  
**Remarks:** Compensation was established by an independent, certified appraisal and an appraisal review. City staff has yet to reach a negotiated settlement with the property owner.  
**Zoned:** R-5  
**Use:** Single Family Residential  
**Tax Code:** 075-071-06  
**Total Parcel Tax Value:** \$61,600
- K. Project:** Parksouth Drive Sidewalk Project Design Package 1, Parcel # 5  
**Owner(s):** Sharon A. Wright and any other Parties of Interest  
**Property Address:** 6525 Parksouth Drive  
**Property to be acquired:** Total Combined Area of 2,100 sq.ft. (.048 ac.) of Utility Easement plus Temporary Construction Easement  
**Improvements:** None  
**Landscaping:** None  
**Purchase Price:** \$4,325  
**Remarks:** Compensation was established by an independent, certified appraisal and an appraisal review. City staff has yet to reach a negotiated settlement with the property owner.  
**Zoned:** R-3  
**Use:** Single Family Residential  
**Tax Code:** 179-041-34  
**Total Parcel Tax Value:** \$329,100
- L. Project:** South Corridor Light Rail Transit, Parcel # 201  
**Owner(s):** Clubview Apartments, Inc. and Any Other Parties of Interest  
**Property Address:** 6401 Old Pineville Road  
**Property to be acquired:** 24,205 sq. ft. (.556 ac.) of Fee Simple  
**Improvements:** One Story Commercial Building  
**Remarks:** The estimated cost of environmental clean-up on the property is \$36,720. This amount will be deducted from the

purchase price and held in escrow to pay those expenses. The remainder represents the total amount of the condemnation deposit.

**Purchase Price:** \$145,000

**Zoned:** B-2

**Use:** Commercial

**Tax Code:** 173-021-17

**Tax Value:** \$206,400

- M. Project:** South Corridor Light Rail Transit, Parcel # 197  
**Owner(s):** Clubview Apartments, Inc. and Any Other Parties of Interest  
**Property Address:** 6501 Old Pineville Road  
**Property to be acquired:** 112,914 sq. ft. (2.592 ac.) of Fee Simple  
**Improvements:** One Story Mini Warehouse  
**Remarks:** The estimated cost of environmental clean-up on the property is \$56,610. This amount will be deducted from the purchase price and held in escrow to pay those expenses. The remainder represents the total amount of the condemnation deposit.  
**Purchase Price:** \$500,000  
**Zoned:** B-D (Distributive Business)  
**Use:** Warehouse  
**Tax Code:** 173-021-15  
**Tax Value:** \$408,400

### 37. Meeting Minutes

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

- May 10, 2004 Business Meeting
- May 17, 2004 Zoning Meeting