

Mayor Patrick McCrory

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

Mayor Pro Tem Patrick De'Angelo Cannon

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

CITY COUNCIL MEETING
Monday, November 24, 2003

5:00 p.m.

Closed Session
Performance Evaluation
Follow-up:
- **City Manager**
- **City Attorney**
- **City Clerk**
Conference Center

6:30 p.m.

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

7:00 p.m.

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

CITY COUNCIL AGENDA

Monday, November 24, 2003

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- City Clerk		
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5:00 P.M. CLOSED SESSION

Performance Evaluation Follow-up:

- **City Manager**
- **City Attorney**
- **City Clerk**

Conference Center

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

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

CONSENT

- 1. Consent agenda items 15 through 29 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

2. Public Hearing and Resolution to Close a Portion of 10th Street Alleyway

Action: A. Conduct a public hearing to close a portion of 10th Street alleyway, and
B. Adopt a Resolution to Close.

Staff Resource: Roger Buell, Transportation

Policy:

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

Explanation:

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

Petitioner:

City of Charlotte

Right-of-Way to be abandoned:

A portion of 10th Street alleyway

Location:

Located within the First Ward Neighborhood Association beginning approximately 206 feet from North Brevard Street continuing approximately 138 feet northwestwardly to its terminus at the property line of a parcel owned by the City of Charlotte

Reason:

To incorporate the right-of-way into adjacent property owned by the City of Charlotte for sale as part of old bus garage property

Notification:

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

Adjoining property owners

Mr. Steven Ascher – No objections

Mr. Brian Ascher – No objections

Neighborhood/Business Associations

First Ward Neighbors, Inc. – No objections

Elizabeth Community Association – No objections

Third Ward Neighborhood Association – No objections

Belmont Neighborhood Strategy Force – No objections

Belmont Tenant Organization – No objections

Dilworth Community Development Association – No objections

Center City Partners – No objections

Private Utility Companies

No objections

City Departments

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

Be contrary to the public interest; or

Deprive any individual(s) owning property in the vicinity of reasonable means of ingress and egress to his property as outlined in the statutes.

Attachment 1

Map

REZONING

3. Rezoning Petition 2003-76

Action: Consider decision on Petition 2003-76 by Palisades Properties, Inc.; L. Manios; J. Rogers; D. Gentle; W. Merow: Speedway Motorsports, Inc. for approximately 348.8 acres located northwest of Interstate 85 and southwest of the Cabarrus county Line (near Concord Mills mall).

Staff Resource: Keith MacVean, Planning

Explanation:

The Zoning Committee voted at their October 29, 2003 meeting to defer the recommendation on this petition to allow time for the review and resolution of any issues associated with the traffic impact study.

At the City Council's regular zoning meeting on November 17, 2003 this item was deferred to the November 24, 2003 Council meeting.

The Zoning Committee held a special meeting on November 18, 2003 to discuss this petition. Staff noted that all outstanding site plan and transportation issues had been resolved. As a result, the Commission recommended approval of this petition by a vote of 7-0.

Attachment 2

Staff Analysis

Zoning Committee recommendation

Map

4. Rezoning Petition 2003-81 B (Area 2)

Action: Consider a decision on Petition 2003-81 A by Charlotte-Mecklenburg Planning Commission for a change in zoning for approximately 9.43 acres located on the east and west sides of Eastway Drive, south of Kilborne Drive and north of Bently Place from R-22MF to R-8.

Staff Resource: Keith MacVean, Planning

Explanation:

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

This item was deferred from the November 17, 2003 Zoning Meeting due to the full council not being present.

The Zoning Committee voted unanimously to recommend approval of this petition

Attachment 3

Zoning Committee Recommendation on Petition 2003-81 B

POLICY

5. City Manager's Report

6. Services Agreement with U.S. National Whitewater Center



Action: Approve the Economic Development and Planning Committee's recommendation to adopt the services agreement with U.S. National Whitewater Center.

Committee Chair: Lynn Wheeler

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

Explanation:

The purpose of this agenda item is to approve a Services Agreement ("Agreement") negotiated by City Staff with U.S. National Whitewater Center. The Final Agreement is consistent with the Council direction to staff given at the October 27th Council meeting.

Pursuant to the recommendations approved by Council on October 27, 2003, City Staff has negotiated a Services Agreement between the City and the U.S. National Whitewater Center regarding the City's agreement to provide a maximum of \$2,000,000, in seven annual installments to help fund construction of the U.S. National Whitewater Center.

The approved recommendations were (where used, the term "Whitewater" or CWP means Charlotte Whitewater Park, Inc.):

- Contingencies/Commitments of Other Cities & Counties - Require Whitewater to enter into, by December 31, 2004, formal financing contracts with Mecklenburg County and other municipalities representing a total of \$11,000,000 (including City contribution) worth of governmental contributions to Whitewater for capital costs, or City may terminate or restructure agreement.
- Commitment of Financial Institutions - Whitewater is required to obtain a formal contract with the financial institutions providing construction financing by June 30, 2005, or City may terminate or restructure agreement.
- Request For City Contribution - Before the City can provide any portion of its grant to Whitewater, Whitewater is required to provide the City with a "Statement of Financial Need for Capital Contribution," along with audited financial statements evidencing CWP's need for the proceeds of any portion of the City's economic

development grant. The “Statement of Financial Need for Capital Contribution” must be in a form satisfactory to the City. Any funds provided to CWP as part of the grant are for repayment of capital costs (including debt service) incurred by CWP, and will not be used for any Whitewater Park operational expenses. No contribution will be required of the City until such time as construction of the Whitewater Park is complete and the Whitewater Park is open and in operation.

- Security Interest - No recommendation. After further discussions and negotiations with CWP, holding a security interest in the project would not serve to protect the City’s interests.
- Naming Rights - All reasonable efforts will be made to include “Charlotte USA” in branding of the US National Whitewater Center in those circumstances deemed appropriate, at the discretion of Whitewater.
- Nature of Financial Contribution - City’s contribution is considered a contingent capital grant with no expectation of repayment by Whitewater.

The Agreement incorporates each recommendation of the Council, as shown in the attached memorandum from Whitewater’s attorneys to the City Attorney.

Background:

As part of Council’s approval of the Capital Investment Plan (CIP) for FY 2004-2008, Council agreed to commit \$2,000,000 over seven years to help fund capital costs for the construction of the U.S. National Whitewater Center, which will be operated by Charlotte Whitewater Park, Inc. (CWP). After adoption of the CIP, City staff began discussions with CWP on an agreement that would translate the City’s commitment into a binding contract. During its July 28, 2003 Dinner Briefing, Council referred all issues related to the Whitewater agreement to the Economic Development and Planning for its consideration.

Accordingly, the Economic Development & Planning Committee discussed the Whitewater Park at its August 20, September 3, and October 1, 2003 meetings. At its October 1, 2003 meeting, the Committee made several recommendations to Council to direct staff for negotiations on the Agreement. The recommendations were approved by this Council on October 27, and City staff continued negotiations on the Agreement in accordance with Council direction.

Committee Discussion:

As noted above, the Economic Development & Planning Committee previously discussed Whitewater at its August 20, September 3, and October 1 meetings. The Agreement was presented to the Committee for its review on November 19, 2003.

The Committee met on November 19th. After discussing the calculation of financial need and repayment methods, the Committee unanimously voted to recommend to Council the final service agreement as presented by staff. Wheeler, Lochman and Carter were present. Cannon and Graham did not attend.

Community Input:

Several citizens expressed support during the budget process for the Whitewater Park.

Funding:

The contingent capital grant has been budgeted in the CIP for FY 2004-2008, and may be funded by the proceeds from the sale of excess arena land.

Attachment 4

Services Agreement between City of Charlotte and U.S. National Whitewater Center

Memorandum from U.S. National Whitewater Center's attorneys noting how Council's recommendations were incorporated into the Services Agreement

7. General Development Policies



Action: Approve the Economic Development and Planning Committee's recommendation on the proposed General Development Policies.

Committee Chair: Lynn Wheeler

Staff Resource: Garet Walsh, Planning

Explanation:

The proposed General Development Policies (GDP) provide guidance for the location, intensity and form of future development and redevelopment throughout the community. The original GDP were adopted in 1990 and have served to guide growth and development throughout Charlotte and Mecklenburg County. Now, the policies are being updated and expanded to better address the policy direction Council has adopted over the last few years – particularly Smart Growth and the Centers and Corridors Land Use Vision.

Specifically, the updated GDP include policies for four elements: 1) Residential Location and Design; 2) Mixed/Multi-Use Retail-Oriented Centers; 3) Plan Amendment Process; and 4) Transit Station Area Principles. The fourth element, Transit, has already been adopted.

Committee Discussion:

The Planning Commission reviewed the revised draft document at their November 3rd regular meeting. On November 18th the Planning Commission unanimously recommended adoption of the General Development Policies (November 2003 Draft) with the staff recommended changes which are attached.

On September 17th the Economic Development and Planning Committee reviewed the revised draft document and the information requested by Council at the August 11th, special-called Council workshop on the GDP.

On September 30th, the Committee received a presentation from the Chamber of Commerce regarding recent development trends.

On October 15th, the Committee received a staff presentation on the public comments received and also received a presentation from the Chamber's Land Use Committee.

The Economic Development and Planning Committee directed staff to meet with other stakeholders, particularly neighborhood representatives to get additional input, and, in addition, to invite neighborhood stakeholders to speak at the November 5th Committee meeting.

At the November 5th meeting staff presented proposed revisions to the September 2003 draft document and identified outstanding issues and staff responses. Committee members asked the following questions:

- explain how the revised test cases (11/3/03) were selected
- discuss the rationale for removing the density maximums and inner/outer references
- discuss the rationale for accommodating the larger center sizes
- consider assigning negative points for not meeting with staff
- discuss the parties notified of and who attended the meetings
- what is the status of the traffic adequacy index

At their November 19th meeting, Economic Development & Planning discussed and made a recommendation on the outstanding issues. The issues and staff responses are attached. The November 21st Council-Manager Memorandum will include the November 19th Committee recommendations.

Community Input:

The GDP process began over two years ago with two separate stakeholder groups – a neighborhood group and a development industry group. For the neighborhood group, staff mailed invitations to participate to the entire neighborhood organization contact list (over 600 contacts). About 18 months into the process, the two stakeholder groups were merged into one, and the mailing list was revised to reflect the approximately 140 people that were actively participating in the process.

Two public workshops were held in June and July 2003 to receive further input on the proposed policies. For the public workshops, staff developed a distinctive postcard that was mailed to the stakeholder list, the neighborhood organization contact list and the Planning Commission. These lists, along with a set that was developed from those who had attended the workshops, were used for notification of subsequent meetings. The Planning Commission held a public meeting to hear citizen comments on September 23, 2003. Staff also scheduled three additional stakeholder meetings: October 21st, 23rd and 30th.

Approximately 600 notices were mailed out to stakeholders and other interested citizens for the November 5th ED&P meeting. Two speakers attended the meeting.

Attachment 5

Staff and Planning Commission recommended changes to November 2003 Draft
Outstanding Issues and Staff Responses
November 2003 Revised Draft

8. Ordinance Prohibiting Parking on Front Lawns



Action: Approve the Communities Within A City Committee recommendation to adopt an amendment to Chapter 14 of the City Code that would prohibit parking of vehicles on front yards, as well as side yards of corner lots, except on an improved driveway or parking pad.

Committee Chair: Pat Mumford

Staff Resource: Toni Tupponce, Neighborhood Development

Policy:

The Communities Within A City Focus Area Plan and Model Neighborhood Standards emphasize the City's commitment to be responsive to the unique needs of the various geographic areas of the City. The City is committed to maintaining and improving the safety, physical and economic conditions and building capacity in all neighborhoods.

Explanation:

The proposed ordinance would prohibit the parking of vehicles in front yards as well as side yards of a corner lot, except on an improved driveway or parking pad. The ordinance applies to single family detached, duplex, triplex and quadraplex dwelling units. The ordinance would also allow Police and Code Inspectors to impose \$25 fines with possible vehicle towing as enforcement. Exceptions to the ordinance will apply when no parking is allowed on adjacent streets and the principal dwelling is less than 20 feet from the abutting street or the lot width is less than 25 feet. Additionally

special family events or social gatherings occurring no more than once a week will be exempted from the ordinance.

Background:

During the November 2001 Neighborhood Summit and the 2002 Neighborhood Symposium, residents shared concerns about the long-term impact of cars parked on front lawns in their communities. These concerns were included in the City's vision for the development of model neighborhood standards. The desire for an ordinance was included as an indicator of model neighborhood status within the Model Neighborhood Standards at a Glance publication adopted by Council in December 2002.

A public hearing before City Council was held on July 28, 2003. As a follow up to the comments by citizens, City Council instructed staff to research answers to a variety of questions and concerns regarding the proposed ordinance and its potential for effective enforcement. Staff research found six cities with ordinances that prohibit parking on front lawns. A list of Council's questions and the responses researched by staff are attached.

Committee Discussion:

On November 6, 2003, the Communities Within A City Committee discussed the proposed parking ordinance. Their discussion primarily focused on exceptions to the ordinance (i.e. family gatherings or other events that would result in multiple vehicles parked on lawns), ways to ensure adequate community education and implementing a method to evaluate the process after it is adopted. The vote was unanimous (Mumford, Cannon, Mitchell, Lochman and Spencer).

Community Input:

Neighborhood leaders from across Charlotte participated in two focus groups on the proposed ordinance. In addition, the public was invited to participate in the July 28, 2003 public hearing. The majority of the citizens supported the need for the ordinance and their comments included concerns about the unsightliness caused by multiple cars parked on front lawns, declining property values as well as the impact that additional cars parked on narrow streets might have on City or emergency vehicles' access to neighborhoods.

Attachment 6

Draft Amendment to Chapter 14 of the City Code

List of Issues and Staff Responses

Existing & Proposed City of Charlotte Automobile Enforcement Processes

Survey of other City ordinances prohibiting parking on front lawns

Slide Presentation

9. 2003 Disparity Study Report



Action: Adopt the 2003 Disparity Study with changes recommended by staff, and direct staff to continue due diligence review of the Disparity Study findings, and to develop program recommendations for action based on the Disparity Study.

Staff Resource: Tiffany Capers, Small Business Development Program Director
Cindy White, Senior Assistant City Attorney

Policy:

In January 2002 the City ended the race and gender conscious components of the local MWDB program due to a lawsuit challenging the program's constitutionality. Council then approved development of a new disparity study to determine if race and gender conscious programs are appropriate in city contracting.

Explanation:

In November 2002 the City entered into a contract with MGT of America (MGT) to complete a disparity study. A disparity study does the following:

- Compares the percentage of City contract dollars that go to minority and women-owned firms to the percentage of minority and women-owned firms willing and qualified to perform those contracts. It performs this comparison for both prime and subcontracts.
- If there is a disparity between the utilization and availability of minority and women-owned firms, the study will use anecdotal evidence and various statistical tools to determine whether the disparity is attributable to discrimination.
- If there is discrimination, appropriate programs are recommended to remedy the disparity. Case law requires that race and gender neutral measures be attempted and found insufficient to address the disparity, before race and gender conscious programs are used.

Based on a discussion between City staff, the City Attorney's Office, Franklin Lee and MGT, it was determined that certain changes to the draft study are necessary and appropriate. These changes will be included in the Friday, November 21 Council-Manager memo. The changes correct and clarify certain statements made in the Disparity Study, they do not significantly alter the data or findings that were included in the draft Study.

Staff will continue their due diligence review of the Disparity Study in evaluating and developing program recommendations. Any further amendments or addenda that are deemed necessary or appropriate as a result of that process will be addressed when the recommendations are presented.

Community Input:

On October 20, MGT presented the results of their study to the Mayor and Council. MGT also conducted three briefings for stakeholders and the public on October 21. As a part of the review process, citizens were asked to comment on the study prior to Mayor and Council action on the study. Council conducted a public hearing on the study on October 27th.

Comments on the study from City staff were provided to Council on November 14, 2003. No comments from the public have been received, other than those made at the public hearing on Oct 27.

Attachment 7

Executive Summary of Disparity Study

10. Colony Road Barricade Status Report

Action: Receive status report on Colony Road Barricade.

Resources: Jim Humphrey, Transportation
Guy Chamberlain, Charlotte-Mecklenburg Schools

Explanation:

CDOT has agreed to a Charlotte-Mecklenburg School staff request that they be given until January 2004 to complete discussion with neighborhoods, have an alternative design and cost-sharing plan considered by the School Board for potential recommendation to City Council. Although this will cause construction to occur during the 2004-2005 school year, CDOT does not feel this will be a problem since Colony Road in this area is not a thoroughfare.

Background:

At the May 3, 2003 dinner, CDOT staff gave an update regarding the project approved by City Council for the Colony barricade location. The approved project will rebuild the intersection of Colony Road and the Myers Park High School driveway entrance to allow left turns into the campus when traveling northbound on Colony Road, and if CMS donates necessary land, build a u-turn bulb on school property to better accommodate traffic wishing to go south. (See attached copy of the plan.)

On May 3rd, Charlotte Mecklenburg School staff asked City Council to consider an alternative plan they felt met Council and neighborhood goals (see attached). Council told CMS staff that they would consider the plan if the CMS Board approved donation of land needed for the plan and funding of the difference in cost between the two plans. No deadline was established.

Since May, CMS staff has been meeting with the Club Colony neighborhood (located between the school and Selwyn Avenue) to build consensus for the CMS plan. They have reported having positive results, although they still have one more public meeting scheduled. CMS staff indicates they expect to

approach the School Board at their December meeting, and has requested CDOT accept this timetable.

CDOT is prepared to grant CMS staff the requested time to complete the process they have begun. Clearly, the best solution is one that the City, School system and neighborhoods can agree upon. Right-of-way and easements will likely be required from school property.

CDOT had established an internal goal of substantially completing work during the summer of 2004 to minimize construction affects on school traffic. Since Colony Road is not a thoroughfare in this area, CDOT feels that school traffic can be accommodated during construction.

If the School Board ultimately makes a proposal to City Council for an alternative design and cost-sharing plan, City Council would then be given an opportunity to accept the proposal. If the School Board does not submit a proposal in time to include on a January 2004 Council agenda, City staff will proceed to implement the original concept.

Attachment 8

Colony Road Current Condition

CDOT Bulb-Out Plan

Charlotte-Mecklenburg Schools Plan

BUSINESS

11. Federal Lobbying Services Agreement

Action: Approve a two-year agreement with Holland and Knight LLC for federal lobbying services at an annual cost not to exceed \$150,000 with up to three, one-year contract renewals.

Staff Resource: Boyd Cauble, City Manager's Office

Explanation:

Since 1998 the City has contracted with The Ferguson Group (TFG) to lobby on the City's behalf to both the legislative and executive branches of the federal government. TFG has served as an extension of City staff in Washington and is responsible for assisting in developing and advocating the City's federal legislative program, maintaining liaisons with the City's congressional delegation, providing information on appropriations opportunities and key regulatory changes, and other related lobbying services.

In July 2001 the City and County entered into a joint contract with TFG to coordinate federal legislative priorities for both Charlotte and Mecklenburg County. The County withdrew from the contract in July 2003 and selected another lobbying firm to focus efforts on the County's legislative agenda. On July 28, 2003 Council approved a six-month contract with TFG that expires on December 31, 2003 and directed staff to readvertise the lobbying contract beyond the six-month period.

Proposal Process:

The City issued a Request for Proposals (RFP) for federal lobbying services on September 26, 2003. The RFP included the following City lobbying needs:

- Economic Development
- Environmental Quality
- Housing and Community Development
- Workforce Development
- Transit
- Roads
- Public Safety
- Other City Council priorities

Approximately 30 lobbying and law firms were notified about the RFP, which was posted online on the North Carolina Interactive Purchasing System web site. This notification list was drawn from multiple sources (such as the U.S. Conference of Mayors lobbying firm database) and included firms that have either previously contacted the City or are firms that City officials have worked with in the past. However, firms not on the notification list were still able to obtain the RFP.

On October 20, 2003 proposals were received from 14 lobbying and law firms. An evaluation committee representing multiple business units (Charlotte Area Transit System, Neighborhood Development, Engineering and Property Management, Economic Development, the City Manager's Office, Business Support Services, and Budget and Evaluation) reviewed the proposals using a variety of criteria including:

- Staffing and project management experience
- Federal lobbying experience
- Financial responsibility
- Unique attributes
- Approach and work plan
- Acceptance of contract terms

Based on these criteria, the evaluation committee selected the following firms as finalists:

The Ferguson Group LLC
Greenberg Traurig LLP
Holland and Knight LLP
Patton Boggs LLP
Womble Carlyle Sandridge & Rice PLLC

The evaluation committee interviewed the finalists and conducted an extensive reference check of past clients. As a result of the interviews and references, the evaluation committee recommends Holland and Knight LLC for the federal lobbying services contract. Holland and Knight (H&K) is one of the nation's largest law firms with a government relations unit that has strong experience to meet all the City's lobbying needs, including transit and roads, community and economic development, public safety, and environmental quality.

H&K currently provides federal lobbying services for 12 local government clients across the country, including the cities of Jacksonville, Florida; West Palm Beach, Florida; Kansas City, Missouri; and Cleveland, Ohio. H&K also contracts with transit agencies in Houston, Texas; Tampa, Florida; and Hampton Roads, Virginia. H&K has one client in North Carolina (Carolinas HealthCare System) and has stated its intention to not add potential competing clients within the state.

H&K offers the City an integrated team of strategic communicators, senior advisors, lobbyists, and attorneys to actively assist the City in developing a comprehensive legislative program, and to advocate it effectively to both Congress and the administration. The H&K team includes former members of Congress, former advisor to the EPA Administrator, former deputy assistant to the President, and former congressional staff members with appropriations experience. In addition, H&K's transit partner is one of the pre-eminent experts in the transit industry and staffs the "New Starts

Working Group,” a coalition of transit organizations, cities, and companies working with the federal government on transit funding.

Specific results that H&K has achieved for clients include:

- Obtained a total of \$1 billion in appropriations for clients over the past five years
- Secured preliminary engineering funding for the Norfolk Southern light rail project and funding for trolley buses in West Palm Beach. Also secured funding for rail and bus systems in Tampa, Hampton Roads, and Portland
- Advocated a Metropolitan Transportation System to increase federal highway funds to Metropolitan Planning Organizations
- Helped secure a HOPE VI grant for the D.C. Housing Authority and obtained funding to help communities at the highest risk for lead poison problems
- Secured funding for sheriffs communication technology for the Rockville, Maryland Police Department and for public safety communications upgrades in Placer County, California
- Secured funding for Florida Water Management Districts over the last five years and funding for the cleanup and redevelopment of an industrial site in Warren County, Virginia

The initial agreement extends two years from January 1, 2004 to December 31, 2005. The total cost of the agreement is \$300,000, based on a fixed monthly retainer of \$12,500 for an annual cost of \$150,000. This represents an increase from the current annual contract amount of \$114,000. However, beginning with this new contract, the Transit Fund will pay 40% (\$60,000) of the costs of the contract given the scope of transit lobbying needs. The General Fund portion of the new contract will be 60% (\$90,000).

Small Business Opportunity:

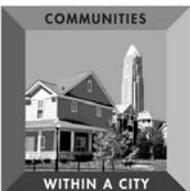
The SBE program manager has waived utilization goals for this contract.

Funding:

General Fund

Transit Fund

12. Piedmont Courts Hope VI Application Update



Action: Receive a report on the status of the Piedmont Courts HOPE VI Application.

Committee Chair:

Pat Mumford

Staff Resource: Stanley Watkins, Neighborhood Development
Charles Woodyard, Charlotte Housing Authority

Explanation:

The staffs of the Charlotte Housing Authority (CHA) and City Neighborhood Development will provide an update on the Piedmont Courts HOPE VI Application process. Council will receive a report in the Council-Manager Memo on November 21, 2003.

Background:

On February 10, 2003, pursuant to a request from the Charlotte Housing Authority, City Council authorized staff to engage in land acquisitions up to \$1.2 million to support the HOPE VI Application; directed staff to participate in the application development process; and approved a recommendation regarding relocating some City services at the Central Yard Facility.

On September 24, 2003, Council approved the Communities Within A City recommendation to provide \$75,000 to assist the CHA in hiring a consultant to develop the HOPE VI application. Council also voted to support the application planning process with the understanding that the CHA will make a specific request for financial support within 60 days.

City Council received an update on the process and the timeline for completing the application at their meeting on November 11, 2003. City staff anticipates receiving CHA's preliminary proposal by the end of the month and conducting a detailed assessment to determine various City funding options. Based on the timeline, City Council will be asked to make zoning and funding decisions on January 12, 2004. The HOPE VI application is due to the U.S. Department of Housing and Urban Development on January 20, 2004.

13. 2004 Legacy Basketball Classic Contribution

Action: A. Adopt an ordinance to contribute \$30,000 from the Council Discretionary Account to the 2004 Legacy Basketball Classic, and

B. Authorize the City Manager to enter into a funding contract with the Legacy Basketball Classic Foundation.

Staff Resource: Ruffin Hall, Budget and Evaluation

Explanation:

The Legacy Basketball Classic Foundation requested a \$30,000 contribution towards the operating costs for the 5th Annual Legacy Basketball Classic event. The Classic will be in Charlotte from January 16- January 19, 2004. According to the Foundation, last year the 2003 Classic recorded an

attendance of 12,400 with an estimated economic impact of \$1.2 million. Attendance at the Classic has nearly doubled since its inception in 2000.

The event locations include:

- Film Showcase at Spirit Square
- Teen Summit at Amay James Recreation Center
- Basketball Games at the Charlotte Coliseum
- Player Breakfast at McCrory Family YMCA

The City has assisted in supporting similar sporting and tourism events in the recent past. These events include the 2002 Olympic Torch Relay for \$3,500 and the 2000 and 2001 NCAA Men’s Soccer Cup for \$50,000 (each year).

Funding:

Funding for this contribution would be from the Council Discretionary Account. The current balance of the account is \$90,000. If this request for \$30,000 is approved for the 5th Annual Legacy Basketball Classic, the remaining balance will be \$60,000.

Summary of FY2004 Council Discretionary Account Allocations		
Category	Allocation	Balance
Initial FY2004 recommended budget	\$250,000	\$250,000
Community Building Initiative (CBI) – (Council add/delete item during budget process)	\$30,000	\$220,000
Contribution to Charlotte Housing Authority for Hope VI application consultant	\$75,000	\$145,000
Contribution to Charlotte Firefighters’ Association Historic Palmer Building neighborhood open house	\$5,000	\$140,000
Bassmaster Tournament	\$50,000	\$90,000

Attachment 9

Budget ordinance

Funding request and description of event

14. Appointments to Boards and Commissions

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

A. HOUSING AUTHORITY

Montega Everette was nominated by Council member Tabor to serve a three year term beginning December 2003. Applicants for this board are required to have a background check, and based upon the results, Ms. Everette is eligible to serve.

Attachment 10
Application

MAYOR AND COUNCIL TOPICS

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

Introduction to CONSENT

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

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

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

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

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

Contractors and Consultants

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

CONSENT I

15. Various Bids

A. LED Pedestrian Countdown Modules

CDOT

Recommendation:

The Key Business Executive for the Department of Transportation recommends award of a contract to provide LED Pedestrian Countdown Modules, to Walker Brothers, Inc., Lexington, South Carolina. This will be a unit price contract, not to exceed a total of \$300,000 for the term of the contract. This will be a one-year contract, with approval to renew for one additional one-year term. The countdown pedestrian signal provides a visual countdown during the walk and don't walk symbols.

Small Business Opportunity:

SBE Committed Goal: 0%

The SBO Program Manager waives SBE utilization goals for this contract. The project is not conducive to SBE participation.

B. Johnston Road Landscaping**EPM****Recommendation:**

The City Engineer recommends the low bid of \$202,724.50 by Ingle and Son Landscaping, Inc. of Charlotte, North Carolina. This project will provide landscaping for medians, planting strips and designated areas behind the sidewalk along Johnston Road between the ramp to I-485 and Highway 51. The anticipated project completion date is summer 2004.

Small Business Opportunity:

Established SBE Goal: 0%

Committed SBE Goal: 0%

The program manager waives utilization goals for this contract.

C. Landscape Package #3**EPM****Recommendation:**

The City Engineer recommends the low bid of \$150,300.70 by Superior Seeding, Inc. of Gastonia, North Carolina. This project will provide landscaping for three separate project locations; 1) Albemarle Road from Sharon Amity to Regal Oaks Drive 2) The Plaza from 35th Street to Dade Avenue 3) Beatties Ford Road 4- Lane Widening from Brookshire Boulevard to LaSalle Street. The anticipated project completion date is second quarter of 2004.

Small Business Opportunity:

Established SBE Goal: 0%

Committed SBE Goal: 0%

The program manager waives utilization goals for this contract.

D. Airport Ramp E Box Culvert**Aviation****Recommendation:**

The Aviation Director recommends award of the low bid contract in the amount of \$860,690.40 to Allied Grading of Huntersville, North Carolina for the box culvert extension on Ramp E. The concrete ramp around Concourse E will need to be expanded in the future to accommodate the increase of regional aircraft flights. This project will extend a major drainage culvert for the expansion of the ramp.

SBE/DBE:

This project is under the airport's FAA-required Disadvantaged Business Enterprise Program parameters.

DBE Goal:

DBE Participation: 15%

DBE Compliance: Yes

E. Airport Landscape Maintenance Contract Aviation

Recommendation:

The Aviation Director recommends awarding a three-year, low-bid contract in the amount of \$683,923 to TrueGreen-Southern Tree of Charlotte, North Carolina to provide landscape maintenance services at the airport. The contract shall be for a period of three consecutive years beginning January 1, 2004 with two, one-year extensions at the City's discretion.

SBE Opportunity:

Established SBE Goal: 0%

SBE Committed Goal: 0%

TrueGreen – Southern Tree is a full-service vendor for this comprehensive landscape service contract.

16. In Rems

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

Public Purpose:

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

Policy:

- Communities Within A City
- Community Safety Plan

The In Rem Remedy items were initiated from 3 categories:

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

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

Public Safety:

- A. 1124 Mona Drive (Neighborhood Statistical Area 37-Druid Hills South Neighborhood)

Complaint:

- B. 2001 Trowbridge Court (Neighborhood Statistical Area 170-Courtney Place Neighborhood)
- C. 5061 S. Tryon Street (Neighborhood Statistical Area 199-Yorkmont Neighborhood)
- D. 337 Harrison Street (Neighborhood Statistical Area 21-Lakewood Neighborhood)
- E. 924 Woodland Lane (Neighborhood Statistical Area 109-Moores Chapel Neighborhood) in the City Extra Territorial Jurisdiction

Field Observation:

- F. 2235 West Boulevard (Neighborhood Statistical Area 7-Reid Park Neighborhood)

Public Safety:

A. 1124 Mona Drive

Action: Adopt an ordinance authorizing the use of In Rem Remedy to demolish and remove the structure at 1124 Mona Dr. (Neighborhood Statistical Area 37-Druid Hills Neighborhood) located within the Communities Within A City boundaries.

Attachment 11

Complaint:

B. 2001 Trowbridge Court

Action: Adopt an ordinance authorizing the use of In Rem Remedy to demolish and remove the structure at 2001 Trowbridge Ct. (Neighborhood Statistical Area 170-Courtney Place Neighborhood) located within the Communities Within A City boundaries.

Attachment 12

C. 5061 S. Tryon Street

Action: Adopt an ordinance authorizing the use of In Rem Remedy to demolish and remove the structure at 5061 S Tryon St. (Neighborhood Statistical Area 199- Yorkmont Neighborhood) located within the Communities Within A City boundaries.

Attachment 13

D. 337 Harrison Street

Action: Adopt an ordinance authorizing the use of In Rem Remedy to demolish and remove the structure at 337 Harrison St. (Neighborhood Statistical Area 21-Lakewood Neighborhood) located within the Communities Within A City boundaries.

Attachment 14

E. 924 Woodland Lane

Action: Adopt an ordinance authorizing the use of In Rem Remedy to demolish and remove the structure at 924 Woodland Ln. (Neighborhood Statistical Area 109- Moores Chapel Neighborhood) located in the City Extra Territorial Jurisdiction.

Attachment 15

Field Observation:

F. 2235 West Boulevard

Action: Adopt an ordinance authorizing the use of In Rem Remedy to demolish and remove the structure at 2235 West Boulevard (Neighborhood Statistical Area 7-Reid Park Neighborhood) located within the Communities Within A City boundaries.

Attachment 16

CONSENT II

17. City Code Amendment Concerning Civil Penalties and Recodified Code Effective Date

Action: A. Adopt an ordinance to standardize the payment/appeal deadline for civil penalties at 30 days, and

B. Delay the effective date for the recodified City Code to January 1, 2004.

Staff Resource: Bob Hagemann, City Attorney's Office

Explanation:

The stand-alone civil penalty appeals provision (Section 2-25) in the recodified City Code approved by Council on November 10 provides that civil penalties must be paid or appealed within 21 days. The 21-day period was consistent with the period previously established in the SafeLight legislation and that had been established by the City for parking tickets.

While the revised City Code was being type set by the City's contractor, the North Carolina legislature amended the SafeLight legislation to establish a 30-day appeal period. After this change was implemented, staff recognized that a standardized civil penalty payment/appeal period would minimize citizen and staff confusion. The proposed amendments to the City Code would establish a standardized 30-day period for paying or appealing civil penalties.

In addition, when Council approved the recodified City Code, the City Attorney recommended that the adopting ordinance have an effective date of December 1, 2003. Staff has since learned that reprinted civil penalty citations will not be available from the printer until the first or second week in December. For this reason, it is recommended that Council delay the effective date of the recodified Code to January 1, 2004.

Attachment 17
Ordinance

18. Charlotte Storm Water Services Funding Agreement with Mecklenburg County

Action: Authorize the City Manager to approve and enter into a Storm Water Funding Agreement with Mecklenburg County for the construction of storm water /water quality improvements for the Little Sugar Creek-Westfield Road Project in an amount not to exceed \$725,000.

Staff Resource: Tim Richards, Engineering & Property Management

Explanation:

Since 1999, Mecklenburg County has acquired over 130 flood-prone properties using federal, state and local funding in seven neighborhoods. The properties were located in the floodway, the most dangerous part of the floodplain. The structures on those properties were demolished and the properties are being maintained in a temporary condition using Mecklenburg County Storm Water Services operating budget. Where possible, county staff is developing environmental restoration projects at these locations to both reduce maintenance and provide permanent open space. Various outside funding sources are solicited when possible.

In the Myers Park Manor neighborhood along Westfield Road and Little Sugar Creek, Mecklenburg County Storm Water Services is undertaking a project to construct stream restoration improvements and a greenway trail system along 5200 feet of Little Sugar Creek. The project will also include constructing four storm water wetland areas to improve water quality by treating storm water runoff from the neighborhood. Construction of the wetlands will involve excavation of shallow pool areas along the creek bank to form the wetland areas. Special wetland plants will be installed in the shallow pool areas to provide treatment of the storm water.

The inter-local agreement with the County specifies that the County must fund work within the floodway, with the City funding work outside the floodway. For this project, the County will be funding the stream restoration and the City will be funding the wetland areas outside the floodway. A funding agreement with the County is necessary to plan, design and construct the project. This is the only agreement that will be required of the City to accomplish this project. The County will be responsible for contracting the actual construction work, which is scheduled to be completed in the third quarter of 2004. The County will spend more than \$1.3 million on this project.

Community Input:

Several public meetings were held and the community provided input. The necessary property owner easements have been acquired.

Funding:
Storm Water Capital Investment Plan

19. Safe Neighborhoods Grant

Action: Adopt an ordinance, appropriating \$49,466.96 in funds from the Governor's Crime Commission, for an Integrated Ballistics Investigative System Technician.

Staff Resource: Roger Thompson, CMPD

Explanation:

The Police Department's Crime Lab uses the Integrated Ballistics Identification System (IBIS) to analyze bullets and shell casings collected as evidence at crime scenes. The IBIS is essentially DNA for guns. Every firearm has individual characteristics that are as unique to it as fingerprints are to people. When a firearm is discharged, it transfers those characteristics to the projectiles and the cartridge casings fired on it. Bullets and cartridge casings found at one crime scene can also be compared with those found at another crime scene to link crimes.

The information obtained from IBIS is entered into a national database in order to link ballistic evidence across the country. Due to staffing constraints, the Crime Lab is currently able to analyze only 44% of the gun-related evidence turned into the lab. Under this grant, an IBIS Technician would be hired to analyze ballistics evidence. The addition of the IBIS Technician will enable the Crime Lab to double the amount of firearms evidence that is collected.

A pilot project will involve the analysis of all the gun evidence collected in cases in the Parkwood Corridor. Information obtained from IBIS analysis will be used by police officers in follow-up investigations. Officers involved in this project will receive additional training on the correct procedures for the submission of ballistics evidence and the project will be a priority for the David Three District. There will also be a community education component to the project. The Police Department will use GIS to track the changes in violent crime in the Parkwood Corridor during the life of the project.

The grant covers the salary and benefits for the IBIS Technician for one year, a computer, and travel to national and regional IBIS conferences. If the program is successful, the grant will be renewed for a second year.

Funding:
\$49,466.96 from the Governor's Crime Commission. No matching funds are required.

Attachment 18
Ordinance

20. Automated Telephone Equipment Grant

Action: Adopt a budget ordinance appropriating \$299,500 in funds from the U.S. Department of Justice for the purchase of automated telephone equipment to support non-public safety information services.

Staff Resource: Darrel Stephens, CMPD
Susan Johnson, Business Support Services

Explanation:

The Police Department has obtained a grant from the U.S. Department of Justice that will increase available funding for a planned purchase of a replacement computerized telephone system and its associated application integration server to be used by the City/County Customer Service and Information Center. The new system is needed to replace an obsolete telephone system now in use by Customer Service and Information Center. With the access to the grant funding, a more sophisticated system can be purchased that will enable the Center to assist in offloading calls from 911 during times of community crisis. A state of the art telephone system is the key to having this ability.

Funding:

\$299,500 from the U.S. Department of Justice. No matching funds are required.

Attachment 19

Budget Ordinance

21. Transit Schedule Printing Services Agreement

Action: Approve an agreement for printing services of transit schedules with Imperial Printing Products for an initial annual contract amount not to exceed \$207,728 with authorization for City Manager or designee to execute contract renewals over a four year period at a total cost not to exceed \$1,150,000.

Staff Resource: Olaf Kinard, CATS

Explanation:

The purpose of transit schedules is to provide detailed information regarding each CATS route for customers to ride CATS and to aid in increasing

ridership. In FY2003, total ridership on CATS was more than 15 million passengers, which represents a 31% increase since FY1998.

Background:

Providing schedule information is still one of the key methods by which customers of CATS keep up with riding a particular route. Although CATS has implemented schedule information on the website, customers still request printed schedules and the frequent enhancement to CATS services requires customers to become reacquainted with new schedules. In addition, CATS maintains over 70 schedule rack locations across the region that provide schedule information on demand to customers. The schedules provide information in both English and Spanish.

Imperial Printing Products was selected pursuant to a formal Request For Proposals (RFP) procurement process. There were 16 bidders solicited and two responses received. As a result of the proposal evaluation process, Imperial Printing Products is the most responsive and responsible bidder with a negotiated amount of \$207,728 for one year.

Small Business Opportunity:

Established SBE Goal: 15%

SBE Committed Goal: 15%

Imperial Printing Products has committed 15% (\$153,546) of the total contract amount to SBE firms.

Funding:

CATS Operating budget

Attachment 20

Evaluation Criteria Matrix

22. Historic Trolley Barn and South Corridor Budget Ordinances and Resolution

- Action:**
- A. Adopt a budget ordinance appropriating \$ 5,200,000 for the Historic Trolley Barn and designate funds originally appropriated for the Historic Trolley Barn for South Corridor Right-of-Way,**
 - B. Adopt a resolution authorizing CATS CEO to submit a request for funding with the North Carolina Department of Transportation (NCDOT) for FY2004 and FY2005,**
 - C. Adopt a budget ordinance appropriating \$13,036,154 for Phase II of the Parsons Transportation Group contract for Final Design services for the South Corridor Light Rail Project, and**
 - D. Adopt a budget ordinance appropriating \$14,750,000 for the purchase of Right-of-Way from Norfolk Southern.**

Staff Resource: Dee Pereira, CATS

Explanation:

A. The FY2004 Transit Capital Program authorizes design and construction of the Historic Trolley Barn at a total cost of \$5.2 million. An earlier plan estimated the project would be financed utilizing Certificates of Participation debt financing. Staff has determined that it is more cost effective to fund the project on a pay-as-you-go basis.

Council is requested to approve a budget ordinance appropriating \$5.2 million for the total project cost as follows:

- \$1.5 million for the design, reconstruction and demolition site work of the trolley barn located at South Boulevard and Bland Street during FY2004
- \$3.7 million for construction of the trolley barn

B. This resolution authorizes CATS CEO to request for funding with the North Carolina Department of Transportation (NCDOT) for FY2004 and FY2005.

C. On April 14, 2003 City Council authorized the City Manager to execute a contract with Parsons Transportation Group for \$36,036,154 for final design, engineering, and construction management services for the South Corridor Light Rail Project. On March 24, 2003 Council approved \$23,000,000 to cover Phase I of the contract cost.

Council is now requested to approve a budget ordinance appropriating the remaining \$13,036,154 for the Parsons Transportation Group contract, to cover Phase II costs of the South Corridor Light Rail Project. The budget ordinance will advance funds from the Transit Fund balance to cover estimated grant revenues from the North Carolina Department of Transportation, Federal Transit Administration and local share of the project.

D. CATS currently has \$16,050,000 appropriated for land acquisition for other corridors, excluding the South Corridor. The immediate need for land acquisition funding is in the South Corridor. This action transfers a portion of these funds (\$14,750,000) for the Norfolk Southern land acquisition for the South Corridor. Council approved the purchase contract with Norfolk Southern on July 28, 2003.

Funding:

Transit Capital Investment Plan and Transit Fund Balance

Attachment 21

Budget Ordinances

Resolution

23. Municipal Agreement for Installation of New Traffic Signals along Ardrey-Kell Road

Action: Approve a resolution to authorize the Key Business Executive for Transportation to execute a municipal agreement with the North Carolina Department of Transportation (NCDOT) for the installation of five traffic signals along Ardrey-Kell Road.

Staff Resource: Gus Jordi, Transportation

Explanation:

NCDOT plans to install new fully actuated traffic signals at the intersections of Ardrey-Kell Road and US 521; Ardrey-Kell Road and Marvin Road; Ardrey-Kell Road and Rea Road; Ardrey-Kell Road and Tom Short Road; and Ardrey-Kell Road and NC 16. This project also includes the installation of fiber optic communications cable along Ardrey-Kell Road from US 521 to Tom Short Road.

The Municipal Agreement provides for the City to perform all work for the project with costs reimbursed by the NCDOT not to exceed \$700,000.

The format and cost sharing philosophy is consistent with past municipal agreements.

Attachment 22
Resolution

24. Municipal Agreement for Installation of New Traffic Signals at I-485 Ramps

Action: Approve a resolution to authorize the Key Business Executive for Transportation to execute a municipal agreement with the North Carolina Department of Transportation (NCDOT) for the installation of five traffic signals at I-485 Ramps and NC 160 at Shopton Road.

Staff Resource: Gus Jordi, Transportation

Explanation:

NCDOT plans to install five new fully actuated traffic signals with video detection at the following intersections:

- I-485 Eastbound Ramp and Arrowood Road
- I-485 Westbound Ramp and Arrowood Road
- I-485 Northbound Ramp and Wilkinson Boulevard
- I-485 Southbound Ramp and Wilkinson Boulevard
- NC 160 at Shopton Road

The agreement also covers the installation of fiber optic communications cable on I-485 from Arrowood Road to Wilkinson Blvd. and on NC 160 from I-485 to Shopton Road.

The Municipal Agreement provides for the City to perform all work for the project with costs reimbursed by the NCDOT not to exceed \$525,000.

The format and cost sharing philosophy is consistent with past municipal agreements.

Attachment 23
Resolution

25. Airport Pay Telephone Service Contract

Action: Approve a one-year contract with Kellee Communications Group, Inc for the operation and maintenance of the payphones at the Airport.

Staff Resource: Jerry Orr, Aviation

Explanation:

In 1998, the airport contracted with BellSouth Public Communications, Inc. for the operation and maintenance of the payphones at the airport. That contract has expired and BellSouth is exiting the payphone industry as of December 31, 2003. Kellee Communications operated as a subcontractor on the BellSouth contract and is a certified DBE firm.

This contract will provide the operation and maintenance of 86 payphones in the airport for one-year. The one-year term will allow the airport to issue an RFP next year that will combine multiple telecommunications functions into one service contract. The airport will receive 20% of gross revenues for local and long-distance calls estimated by Kellee at \$100,000 annually, and 15% of gross revenues for toll-free calls estimated by Kellee at \$99,000 annually.

The Airport Advisory Committee recommends this action.

DBE:

DBE Participation: 100%

26. Airport Daily Parking Deck-Construction Contracts and Budget Ordinance

- Action:**
- A. Adopt a budget ordinance appropriating \$19,500,000 from the Discretionary Fund Balance to be repaid from the proceeds of future General Airport Revenue Bonds,**
 - B. Approve a contract to the lowest responsive bidder, Steel Fab of Charlotte NC, in the amount of \$3,071,835 for the steel and miscellaneous metals for the Airport Parking Deck,**
 - C. Approve the low-bid contract to Carolina Fire Control, Inc. of Concord NC in the amount of \$57,980 for fire protection equipment for the Airport Parking Deck,**
 - D. Approve the low-bid contract to F.N. Thompson Co. Inc. of Charlotte NC in the amount of \$14,576,000 for foundation/concrete construction of the Airport Parking Deck,**
 - E. Approve the low-bid contract to Metromont Prestressed of Charlotte NC in the amount of \$422,000 for precast concrete for the Airport Parking Deck, and**
 - F. Approve the low-bid contract to P.C. Jackson Co. Inc. of Charlotte in the amount of \$377,615 for HVAC/plumbing installation for the Airport Parking Deck.**

Staff Resource: Jerry Orr, Aviation

Explanation:

On August 25, 2003, Council awarded a contract to Turner Construction Company of Charlotte, North Carolina to manage the construction of a new parking deck at the airport. These contracts are part of a series of contracts to construct the deck. These contracts will provide steel and miscellaneous metals, fire protection equipment, concrete and foundation construction, precast concrete and HVAC/plumbing installation for the deck.

The Airport Advisory Committee recommends this action.

Small Business Opportunity:

Steel/Miscellaneous metals

Established SBE Goal: 1%

SBE Committed Goal: 0%

SteelFab, the lowest responsive bidder, complied with the good faith efforts; however, they were unable to attain SBE participation.

Fire Protection

Established SBE Goal: 0%

SBE Committed Goal: 0%

The project scope did not provide opportunity for SBE subcontractor utilization.

Foundation-Concrete (Combination)

Established SBE Goal: 2%

SBE Committed Goal: 6.75%

F.N. Thompson Co., the low bidder, committed 6.75% (\$983,880) of the total contract amount to certified SBE firms.

Precast Concrete

Established SBE Goal: 0%

SBE Committed Goal: 0%

The project scope did not provide opportunity for SBE subcontractor utilization.

HVAC/Plumbing

Established SBE Goal: 0%

SBE Committed Goal: 0%

The project scope did not provide opportunity for SBE subcontractor utilization.

Funding:

Airport Capital Investment Plan

Attachment 24

Budget Ordinance

27. Water and Sewer Street Main Extensions Renewal

Action: Approve Renewal #1 for \$995,060.95 with Sanders Utility Construction Company, Incorporated for continued construction of FY2003 Contract 2 water and sewer street main extensions.

Staff Resource: Doug Bean, Utilities

Explanation:

This renewal will enable Utilities to continue construction throughout the City of Charlotte and Mecklenburg County for applicants who have requested water and sewer main street main extensions.

The contract document provides for renewal of the contract up to three times, at the City's option, as an incentive to the contractor for productivity and workmanship. Renewal #1 will be the first renewal for this contract and the contract amount will increase to \$1,990,121.90. A summary of FY2003 Contract 2 follows:

Contract 2	Council Approval Date	Contract Amount
Original Contract	January 13, 2003	\$995,060.95
Renewal #1	November 24, 2003	\$995,060.95
Total Contract Amount		\$1,990,121.90

Small Business Opportunity:

Established SBE Goal: 3%

SBE Committed Goal: 3.41%

Sanders has committed 3.41% (\$33,950) of the total contract amount to SBE firms.

Funding:

Water and Sewer Capital Investment Plan

28. Property Transactions

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

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

Acquisitions:

- A. Project:** Merry Oaks Connectivity, Parcel # 3,
Owner(s): Charlotte Country Club
Property Address: 1827 Masonic Drive
Property to be acquired: 13,983 sq.ft. (.321 ac.) of Fee Simple
Improvements: None
Landscaping: None
Purchase Price: \$15,000
Remarks: Compensation was established by an independent, certified appraisal.
Zoned: R-5
Use: Vacant
Tax Code: 095-093-36
Total Parcel Tax Value: \$40,000
- B. Project:** Irwin Creek Relief Sewer-Phase II, Parcel # 25,
Owner(s): Tolly A. Kennon and Wife, Eva M. Kennon
Property Address: 205 and 207 North Sycamore Street
Property to be acquired: 5,802 sq.ft. (.133 ac.) of Temporary Construction Easement
Improvements: None
Landscaping: None
Purchase Price: \$20,800
Remarks: Compensation was established by an independent, certified appraisal and an appraisal review.
Zoned: UMUD
Use: Commercial
Tax Code: 078-131-07, 078-131-08, 078-131-09
Total Parcel Tax Value: \$76,900
- C. Project:** Sharon and Fairview Road Widening, Parcel # 22,
Owner(s): TOSCO Operating Company, Inc.
Property Address: 4636 Sharon Road
Property to be acquired: 1,840 sq.ft. (.042 ac.) of Fee Simple plus 2,089 sq.ft. (.048 ac.) of Temporary Construction Easement
Improvements: Concrete Paving
Landscaping: Trees, Boxwood, Ground Cover
Purchase Price: \$144,950
Remarks: Compensation was established by an independent, certified appraisal and an appraisal reivew.
Zoned: B-1

Use: Service Station
Tax Code: 177-061-01
Total Parcel Tax Value: \$660,470

For property transactions D-F, the purchase price was determined by an independent appraiser and was reviewed by a second appraiser. Each appraiser 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.

- D. Project:** South Corridor Light Rail Transit Project, Parcel # 103
Property Owner(s): Exxon Mobil Corporation
Address: South Boulevard
Property to be acquired: 80,582 sq. ft. (1.849 ac.) of Fee Simple
Improvements: Vacant
Purchase Price: \$1,087,850
Zoned: B-1
Use: Business
Tax ID: 205-102-30
Total Parcel Tax Value: \$1,067,200

Condemnations:

- E. Project:** South Corridor Light Rail Transit, Parcel # 233
Property Owner(s): Bruce J. Friend and any other parties of interest
Address: 5416 South Boulevard
Property to be acquired: 43,573 sq. ft. (1.000 ac.) of Fee Simple
Improvements: Commercial building
Purchase Price: \$1,300,025
Zoned: B-2
Use: Commercial retail
Tax ID: 169-092-03
Total Parcel Tax Value: \$827,200
- F. Project:** South Corridor Light Rail Transit, Parcel # 227
Property Owner(s): The Abney Family, LLC. and any other parties of interest
Address: 5352 South Boulevard
Property to be acquired: 35,283 sq. ft. (.810 ac.) of Fee Simple

Improvements: Commercial building
Purchase Price: \$1,038,675
Zoned: B-2
Use: Commercial retail
Tax ID: 169-083-02
Total Parcel Tax Value: \$563,500

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

Condemnations:

- G. Project:** Airport Master Plan
Owner(s): William D. McNaull, Jr
Property Address: * Garrison Road
Property to be acquired: .184 acres
Improvements: Vacant
Purchase Price: \$4,100
Zoned: I1
Use: vacant
Tax Value: \$1100
Tax Code: 141-131-12
- H. Project:** Airport Master Plan
Owner(s): Jenkins & Jenkins Automotive, Inc.
Property Address: 9021 Garrison Road
Property to be acquired: 2.823 acres
Improvements: Commercial buildings
Purchase Price: \$575,000
Zoned: I1
Use: Commercial buildings
Tax Value: \$402,000
Tax Code: 141-121-30
- I. Project:** Herrinwood Neighborhood Improvements, Project, Parcel # 10,
Owner(s): Betty N. Newell, et al and any other Parties of Interest
Property Address: 1316 Downs Avenue

Property to be acquired: 6,041 sq.ft. (.139 ac.) of Permanent and Temporary Construction Easements

Improvements: None

Landscaping: None

Purchase Price: \$3,600.00

Remarks: Compensation was established by an independent, certified appraisal and an appraisal review. City Staff is recommending condemnation in order to obtain clear title.

Zoned: R-5

Use: Vacant

Tax Code: 093-092-24

Total Parcel Tax Value: \$25,000.00

- J. Project:** Morris Field Drive Widening, Parcel # 40,
Owner(s): C&C Properties of Charlotte, LLC and any other Parties of Interest
Property Address: 4205 Golf Acres Drive
Property to be acquired: Total Combined Area of 15,864 sq.ft. (.364 ac.) of Storm Drainage Easement plus Temporary Construction Easement
Improvements: None
Landscaping: None
Purchase Price: \$7,475.00
Remarks: Compensation was established by an independent, certified appraisal and an appraisal review. City Staff has yet to reach a negotiated settlement with the property owner.
Zoned: I-2
Use: Industrial
Tax Code: 115-086-29
Total Parcel Tax Value: \$485,900.00

29. Meeting Minutes

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

- **October 20, 2003 Zoning Meeting**
- **October 27, 2003 Business Meeting**