AGENDA

Meeting Type:	B
Date:	09/13/99

City of Charlotte, City Clerk's Office

CHARLOTTE

Mayor Patrick McCrory
Mayor Pro Tem Lynn Wheeler

Rod Autrey
Charles Baker
Patrick D. Cannon
David Fridman
Malachi Greene
Mike Jackson
Nasif Rashad Majeed
Don Reid
Jim Sellers
Sara Spencer

OFFICE COPY

Council Agenda

CITY COUNCIL MEETING

Monday, September 13, 1999

5:00 p.m. — **Conference Center**

Dinner Briefing
(See Table of Contents)

7:00 p.m. — **Meeting Chamber**

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

1999 Council Retreat Priorities

Top Priorities for 1999

Transportation Plan

Policing Evaluation and Direction

State Roads Action: Increased Funding

Transit Plan and 1/2¢ Sales Tax: Implementation

West Side Strategic Plan Implementation

High Priorities for 1999

Corridor Plan

Planning for the City: The Economic Development and the Center City Plan

Court System: Expansion

Business Retention Strategy and Action Plan

Community Strategic Plan for Housing

Neighborhood/Business Revitalization Strategy

Eastside Strategic Plan

CITY COUNCIL AGENDA

Monday, September 13, 1999

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5:00 P.M. DINNER BRIEFING
CONFERENCE CENTER

1. Proposed Move of Spirit Square Sculpture

Presenters: Laura Smith, Interim President, Arts & Science Council
Judith Allen, President, Performing Arts Center

Time: 15 minutes

Attachment 1

2. Proposed Amendments to Floodway Plan

Staff: Stephen Sands, Engineering

Time: 5 minutes

Attachment 2

3. Transportation Committee: Bicycle Transportation Plan

Committee Chair: Sara Spencer

Staff: Kathy Mills, CDOT

Time: 20 minutes

Attachment 3

4. Public Safety Committee: Draft Passenger Vehicle for Hire Ordinance

Committee Chair: Don Reid

Staff: Julie Burch, City Manager's Office
Anthony Fox, Parker, Poe, Adams & Bernstein

Time: 10 minutes

Attachment 4

5. Restructuring Government Committee: Cable TV Competition

Committee Chair: Charles Baker

Staff: Doris Boris, Business Support Services

Time: 10 minutes

Attachment 5

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

CONSENT

6. **Consent agenda items 21 through 40 may be considered in one motion except those items removed by a Councilmember. Items are removed by notifying the City Clerk before the meeting.**

Staff Resource: Julie Burch

PUBLIC HEARING

7. Public Hearing To Close A Portion of Nandina Avenue

Action:

A. Conduct a Public Hearing to abandon a portion of Nandina Avenue; and

B. Adopt the Resolution to Close.

Staff Resource: Scott Putnam

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 is requesting this Council Action in accordance with the statute.

Petitioner: H. Michael Hill and Martha Kniseley-Hill

Right-Of-Way to be abandoned: An unopened portion of Nandina Avenue.

Location: From Sprague Street southwardly approximately 157.20 feet.

Reason: To incorporate the right-of-way into adjacent property owned by the petitioners.

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- No objections
Neighborhood Associations - No objections

- Plaza Midwood Neighborhood Associations
- Plaza Central Development Group, Inc.

Private Utility Companies - No objection

Review by City Departments has identified no apparent reason this closing would

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

Attachment 6
Map of Nandina Avenue

POLICY

8. **City Manager's Report**

The following item addresses a 1999 Council Retreat priority: Transportation Plan

9. **Approve Charlotte-Mecklenburg Bicycle Transportation Plan as recommended by the Transportation Committee, and direct vote of Council's MPO representative.**

Action:

A. **Adopt the Charlotte-Mecklenburg Bicycle Transportation Plan as recommended by the Transportation Committee; and**

B. **Direct vote of Council's MPO representative.**

Committee Chair: Sara Spencer

Staff Resource: Kathy Mills

Focus Area: Transportation

Policy: The Bicycle Plan is a key element of the Five-Year Transportation Plan approved by Council in January 1997.

Explanation:

- The Plan is a policy document, and not a program or budget. Through the budget process, Council can determine what items to fund on a case-by-case basis. An Overview of Policies proposed by the Bike Plan Steering Committee is attached.

- Eight policies are proposed by the Bicycle Plan Steering Committee:
  1) Incorporate bicycle facilities in transportation planning activities
  2) Seek all potential funding opportunities to implement the Bicycle Transportation Plan
  3) Include bicycle improvements in on-going transit and greenway planning
  4) Design and build new and reconstructed roadways to be bicycle-friendly
  5) Implement bicycle improvements in conjunction with resurfacing and maintenance activities

6) Implement bicycle-friendly maintenance procedures and maintain bicycle facilities
7) Promote safe bicycle travel
8) Encourage increased bicycle transportation ridership

- City Council and Mecklenburg County Board of Commissioners each funded $50,000 to hire a consultant to prepare the Bicycle Transportation Plan.

- The Bicycle Plan Steering Committee was formed and comprised of citizens, members of cycling advocacy groups, a NCDOT Bicycle Committee member, Wilbur Smith Associates consultants, and staff from City of Charlotte (CDOT, Planning Commission, Engineering and Property Management), other Mecklenburg County towns, Mecklenburg County Parks and Recreation, and NCDOT Office of Bicycle and Pedestrian Transportation.

- The Plan addresses the need for bicycle transportation facilities as part of the existing and proposed thoroughfare and collector street system in Charlotte-Mecklenburg.

- The Plan is composed of several elements, including a summary of current conditions, policies and institutional framework, design standards, Bikeway Improvement Plan, and implementation plan.

- The Plan has been closely coordinated with the concurrent Mecklenburg County Greenway and Transit/Land Use Plans.

- Various agencies that would be affected by the Plan were consulted during the public input process, including the Real Estate and Building Industry Coalition (REBIC), Charlotte Transit, and internal Key Business Units.

- Mecklenburg Board of County Commissioners voted unanimously to adopted the Plan at its August 17, 1999 meeting.

- The Plan will be presented to the MPO for adoption at the September 15, 1999 meeting. Council's decision will direct the MPO representative's (Rod Autrey) vote at that meeting. MPO adoption will facilitate pursuit of State and Federal funding for certain bicycle projects.

Committee Discussion: Transportation Committee voted 3-0 in favor of recommending the Plan for approval to Council. Mike Jackson requested that Policy Strategy 1.2 be changed by removing language to appoint the Bicycle Coordinator as a voting member of the Technical Coordinating Committee (TCC). The Committee agreed that the Coordinator should be an active member of the TCC, but to reserve voting status until the time a new Memorandum of Understanding is adopted by the MPO.

Community Input: Four public meetings, including a Bicycle Helmet Rally were held at various locations throughout Mecklenburg County during the Plan development process. Approximately 1,000 citizens attended the series of meetings.

Funding: Council has approved a Bicycle Coordinator position for FY00 and $100,000 in the FY00 CIP for Plan implementation.

Attachment 7
Transportation Committee Meeting Minutes dated August 9, 1999, including Overview of Policies Proposed by the Bike Plan Steering Committee and Current Budget and CIP information.

10. Public Referendum as a Prerequisite to City Participation in the Funding of a New Arena

Action: **Decide whether to condition any City participation in the funding of a new arena on a favorable referendum vote and whether to seek legislative authorization to hold such a referendum.**

Committee Chair: Lynn Wheeler

Staff Resource: Mac McCarley, City Attorney

Explanation:

- At its August 23 meeting, Council voted 7-3 to place on the September 13 agenda the issue of whether any City funding for a new arena should be conditioned on a favorable referendum vote.

- The Economic Development & Planning Committee considered this matter at its August meeting. A motion to commit to a public referendum on any City funding of a new arena failed by a 2-3 vote. Councilmembers Sellers and Wheeler voted in favor of the motion, Councilmembers Baker, Greene and Majeed voted against the motion.

- In the event that Council decides to put the issue of City funding to a referendum, it should be noted that the City is not currently authorized to hold such a referendum. The City could, however, seek legislative authority to do so or could indirectly pose the question to the electorate under existing law either: (1) through a general obligation bond referendum, even if general obligation bonds were not going to be used; or (2) through a referendum to authorize a property tax levy in excess of the statutory $1.50 ad valorem property tax limit, even though the City is nowhere near the statutory limit.

- Given the public confusion that could result from an indirect bond or tax rate referendum, the City Attorney recommends that, if Council decides to subject City funding to a referendum, the City seek local legislation that would authorize a clean and clear referendum on the City's funding of a new arena. If certified non-controversial by our legislative delegation (*i.e.* no member of the delegation objects), such legislation could be pursued in the 2000 short session next spring. Otherwise the legislation could be sought in the 2001 long session.

Committee Discussion: On September 21, 1999, the Economic Development and Planning Committee will discuss the arena process.

The following item addresses a 1999 Council Retreat priority: Planning for the City: The Economic Development and the Center City Plan

11. Disposition of Old Convention Center

Action: **Select a Process for Disposition of the Old Convention Center.**

Staff Resource: Tom Flynn

Focus Area: Economic Development

Policy:

- Maximize the City's return from its current asset portfolio by pursuing alternative ownership/management strategies, which meet the City's public policy objectives.
- Coordinate with and participate in the development of the Center City 2010 Development Plan.

Explanation:

- In response to a Council request, staff presented two options for disposing of the Old Convention Center: sale by market process and sale by public policy process. These options were presented to Council at the August 23rd dinner briefing. During the dinner briefing, Richard Heapes, the 2010 Plan consultant, suggested a third option; holding the disposition until the trolley line is complete.
- Option 1—Market Process:

  1. City sets minimum requirements (such as due diligence and closing date) and developers submit proposals for Council review. Council accepts proposal and begins upset bid process.
  2. Council can accept highest bid or reject all proposals at any time. Council can also enter into private sale with proposal that is not the highest bid, after rejecting all proposals.

3. Council makes decision on price and other factors and the City to negotiate important issues before upset bid process. However, time frame for receiving acceptable proposals cannot be predicted with the market process.

- Option 2—Public Policy Process:

1. Manager appoints advisory committee of private sector experts to study site and market, review existing plans, and develop minimum bid price and RFP.

2. Council approves RFP and developers submit proposals. Advisory committee reviews and recommends acceptable proposals for Council review. Council asks developers with acceptable proposals to make top monetary offer.

3. Council defines standards for key parts of the project and study market and public policy goals for Center City. Transportation plans and the 2010 Plan can also be factored into site development.

4. Council is able to ensure that the Old Convention Center site fits into other plans for Center City, including the 2010 Plan, through the policy process. The new trolley line could also be factored into site.

5. The Privatization and Competition Advisory Committee (PCAC) would be represented on the advisory committee.

- Option 3—Hold the disposition until the completion of the trolley project:

1. The 2010 Plan consultant, Richard Heapes, recommends this option. Heapes contends that the full value of the property will not be realized until the trolley line is finished.

2. Due to proximity of property to other transportation sites, Heapes recommends the ground level of the property be retained for a transit expansion function. The disposition would then address property's air rights rather than a land sale.

Attachment 8
Presentation slides from August 23 Dinner Briefing Recommendation from 2010 Plan consultant, Richard Heapes

12. Draft Passenger Vehicle for Hire Ordinance

Action: **Approve the recommendations of the Public Safety Committee to: 1) approve the draft Passenger Vehicle for Hire ordinance in concept; and 2) direct staff to finalize the ordinance and develop a proposed enforcement plan for Council approval.**

Committee Chair: Don Reid

Staff Resource: Julie Burch

Focus Area: Community Safety

Policy: There has been an ordinance regulating the operation of taxicabs on City streets for a number of years. The ordinance provides minimum qualifications and safety requirements for metered vehicles for hire and drivers only.

Explanation:

- At a citizens' hearing some time ago, Council received a complaint concerning "gypsy cabs." Council asked that staff follow up and referred the issue to Committee.

- As staff investigated this complaint, it became apparent that the term "gypsy cab" referred to the numerous other private vehicle for hire services now operating in the City and not taxicabs in the traditional sense.

- Over the past five years, changes in Charlotte's business and tourism environment have led to changes in the private transportation industry to meet demands. The community is now served by a number of private van and shuttle services, town cars, executive cars, black cars and limousines. These services do not use meters, like traditional taxicabs, and therefore are not covered by the City's taxi ordinance.

- Over the past two years, a staff task force representing the City Manager's Office, Police, Transportation and the Airport, has reviewed the taxi ordinance and sought input from service providers and the hospitality and business community.

- The proposed Passenger Vehicle for Hire ordinance would replace the taxi ordinance. Under the new ordinance, the City would regulate the other vehicle for hire services and thus provide a "level playing field" with taxi companies. The draft ordinance has been developed to achieve four objectives:
  - Ensure safe, reliable passenger vehicles for hire in the City;
  - Provide an appropriate level of regulation, while preserving open entry for small businesses wanting to enter the market;
  - Support the increasing demands of the business, convention, and tourism markets for a variety of transportation modes;
  - Respond to concerns expressed by all stakeholders for improved regulations and enforcement for safety, customer service and the appearance of vehicles and drivers providing these services.

- The draft ordinance includes the following:
  - More stringent requirements for drivers, including training in customer service and knowledge of the City and major destination points
  - A seven year age requirement for all vehicles for hire, except limousines
  - A 15 minute response time for taxicabs, unless the customer is notified

- A minimum number of 25 vehicles for taxicab companies to ensure 24 hour per day, 7 day a week City wide service
- Establishment of civil penalties for violations of the ordinance
- Greater attention to the needs of the disabled
- Regulation of taxicab fares and a requirement that other passenger vehicles for hire file a schedule of rates
- Changing the existing Mayor and Council-appointed Taxicab Review Board to a Passenger Vehicle for Hire Board, with additional representation from the hospitality industry.

- There are some issues that must still be addressed before the draft ordinance is finalized. These issues include:
  - The level and cost of enforcement
  - Permit fees to support enforcement costs
  - Availability of metered transportation for the disabled
  - A possible limit on the number of taxi permits issued
  - Reviewing the appropriate minimum number of taxicabs and "company-owned" cabs in order for a taxi company to operate

- Council is asked to approve the draft ordinance in concept and direct staff to finalize the ordinance and develop an enforcement plan. Finalizing the ordinance will include addressing the remaining issues outlined

- The Public Safety Committee will review the final staff proposals and make a recommendation to Council. It's anticipated that the Committee's recommendation will come back to Council sometime in November or December. Any additional resource needs would be part of next year's budget deliberations.

Committee Discussion:

- The Public Safety Committee discussed the Passenger Vehicle for Hire ordinance at their August 23 meeting. Four committee members were present: Councilmembers Reid, Majeed, Cannon, and Sellers. Councilmember Wheeler was absent.

- The Committee heard from a variety of stakeholders, including representatives from taxicab companies, limousine companies, people with disabilities and the hospitality industry. There is universal agreement that the existing ordinance is outdated and needs revision.

- The Public Safety Committee voted 4-0 to endorse the draft ordinance and to recommend it to the full Council. The Committee asked that the final draft of the ordinance be presented to them upon completion, along with a proposed enforcement plan.

Community Input:

- Over the past two years, there has been extensive stakeholder input into the draft ordinance. Stakeholders include:
  - Taxicab company owners and drivers
  - Van and shuttle service owners and drivers
  - Limousine company owners and drivers
  - Executive and town car company owners and drivers
  - Special transportation service providers (for persons with disabilities)
  - Wheelchair transport company owners
  - Charlotte Chamber
  - Charlotte City Center Partners
  - Convention and Visitors Bureau
  - Hospitality and Tourism Alliance
  - Programs for Accessible Living

- The Charlotte Chamber sponsored a member forum on the proposed ordinance in June. The Chamber Board has endorsed the draft ordinance with one modification. The modification relates to the minimum number of vehicles required to operate a taxicab company. This issue is still under discussion and a recommendation will be finalized for Council review when the ordinance is presented for approval.

Funding: Funding needs will be determined as part of the proposed enforcement plan to be reviewed by the Public Safety Committee and Council at a later date.

Attachment 9
Public Safety Committee Meeting Summary of August 23
Background Information on Proposed Passenger Vehicles for Hire Ordinance
Executive Summary of Proposed Ordinance Changes

13. Staff Involvement on Advantage Carolina Initiatives

Action: **Approve the Economic Development and Planning Committee's recommendation to support City staff involvement on Advantage Carolina Initiatives.**

Committee Chair: Lynn Wheeler

Staff Resource: Tom Flynn

Focus Area: Economic Development

Explanation:

- The Charlotte Chamber is beginning work on its Advantage Carolina economic development strategic plan. The Chamber identified "champions" for each of the plan's 14 Flagship Initiatives and has asked for City staff assistance on several of the initiatives.

- The Flagship Initiatives with City involvement include:
  - Intermodal Transportation Complex
  - Unifying Brand for Charlotte
  - Regional Planning for Sensible Growth
  - Tourism Strategic Plan
  - Affordable Housing
  - Land of Opportunity: Inner City Development

- With the exception of the "Unifying Brand for Charlotte" each one of these initiatives relates to a major piece of City work on which City staff has already been working for example, Land of Opportunity relates to the Charlotte Mecklenburg Development Corporation's work on Wilkinson Boulevard; Affordable Housing relates to the work of the Affordable Housing Task Force; Tourism Strategic Plan relates to the Tourism Maximization Study that Council asked for after last year's performance review of CCVB.

- Staff will keep Council informed about these initiatives through regular written updates and through reports to the Council Committees.

- Staff time required for each initiative is not expected to exceed an average of five hours a week.

Committee Discussion:

- The Economic Development and Planning Committee met August 17, 1999. The Committee voted unanimously to recommend Council support of staff involvement on Advantage Carolina initiatives, pending staff developing information on the additional workload for the Advantage Carolina initiatives. All Committee members were present.

- Committee discussion centered on the estimated level of staff time required as a result of the initiatives. Staff agreed to prepare an estimate prior to their September 13 decision.

Attachment 10
Advantage Carolina Initiatives with City Involvement

14. Adoption of Ordinance Prohibiting the Sale of Drug Stems for Illegal Use

Action: **Approve Public Safety Committee Recommendation to adopt an ordinance amending Chapter 15, "Offenses and Miscellaneous Provisions" of the City Code by adding Section 15-32 entitled "Sale of Drug Stem Intended for Illegal Drug Use."**

Committee Chair: Don Reid

Staff Resource: Mark Newbold

Focus Area: Community Safety

Explanation:

- The proposed amendment to Chapter 15 of the City Code adds Section 15-32 which prohibits the sale of drug stems intended for illegal drug use.

- A drug stem is defined as "objects that facilitate the ingestion and/or inhalation of crack cocaine, crank methamphetamine or any other controlled substance as defined by North Carolina Controlled Substance Act." A drug stem is further defined as a two to six inch long tube, one eighth inch to three quarter inches in diameter and is made of glass, metal or ceramic or any other material. Drug stems include but are not limited to glass vials or tubes which may contain novelty items of insignificant value or may contain items that are not, in the normal course of business, packaged in such a manner.

- The ordinance makes it illegal for any person or retail establishment to sell, or possess with intent to sell, a drug stem, knowing that it will be used to introduce a controlled substance into the human body. The ordinance contains a definition of a drug stem and a list of factors to be considered in determining whether the item was used in conjunction with illegal drugs.

- The ordinance imposes a civil penalty of $50 for a violation and an additional $50 penalty if the citation is not paid within 21 days. There is an appeal process associated with the ordinance.

- A two year sunset provision has been added to the ordinance in order for the Police Department and the Public Safety Committee to evaluate its effectiveness.

Committee Discussion:

- The Public Safety Committee discussed a proposed drug paraphernalia ordinance at several meetings. The ordinance was requested by a number of neighborhoods as an additional enforcement tool that police officers could use to address illegal drug use and its accompanying crime and impact on quality of life.

- Public Safety Committee members expressed three primary concerns:
  - The definition of drug paraphernalia was too broad and included a number of household items that could be used, in some cases, in illegal drug activity. This concern was shared by many business owners.
  - The enforcement of the ordinance must be consistent in all areas of the city.
  - The ordinance should cover offenses not specifically addressed through state statutes.

- At its August 11 meeting, the Public Safety Committee voted 3-0 to recommend that Council pass the ordinance. Councilmembers Reid, Majeed, and Cannon voted in favor of the ordinance. Councilmembers Sellers and Wheeler were absent.

- In response to the concerns expressed by the Public Safety Committee and business owners, the definition of drug paraphernalia has been narrowed to drug stems. Neighborhood groups who support the ordinance feel that the stems are a significant problem and that prohibiting their sale would address their concerns.

Community Input:

- The ordinance was sent to representatives of chain drug stores and convenience store owners. Both groups were represented at Public Safety Committee meetings. They expressed their concern over the original broad definition of drug paraphernalia and the possibility of selective enforcement. Twenty three neighborhood associations expressed a desire for the ordinance. Those neighborhood associations were represented by the organization known as Fighting Back.

Attachment 11
Ordinance regarding Sale of Drug Stem Intended for Illegal Drug Use

BUSINESS

15. Airport Terminal Advertising Concession

Action: **Approve a five-year management contract with Departure Media for all public advertising in the passenger terminal.**

Staff Resource: Jerry Orr

Explanation:

- On June 7, 1999 Council approved advertising for a proposal for a management contract to manage airport advertising. This function has previously been accomplished at the Airport through a concession contract. The most recent contract expired July 31, 1999 and the City now owns all of the advertising fixtures. This contract paid the Airport 55% of gross revenues (excluding commission of agencies that represent the advertiser) and averaged $350,000 over the last five years.

- The Airport contracted with Newton & Associates, an aviation industry consultant to advise and assist in the preparation of a Request for Proposals for a management contract. Under a management contract, the contractor would sell the advertising. The Airport would determine the advertising concepts, approve all contracts, collect the revenue and install the advertising copy throughout the facility. The contractor would be paid $80,000 for the first $700,000 in gross sales and 20% of all gross sales exceeding $700,000. Anticipated sales would be over $1,000,000 annually.

- Additionally, an advertising management contract would allow the Airport to place more focus on local companies. Traditionally, the advertising concessionaire has focused on national companies and accounts. Currently, less than 20% of airport advertising features local companies or products.

- Proposals were submitted by four companies; Departure Media, Gateway, Interspace and Glenn Tuttle.

- A selection committee consisting of Airport Advisory Committee members (Eric Locher, Manning Kimmel), a Carolinas Partnership representative (Michael Almond), a member of the City Manager's staff (Brad Richardson) and an airline executive (Chuck Cataldo, Delta Airlines) reviewed their proposals. Consultants Newton & Associates assisted the committee with the evaluation of proposals and presentations.

- The committee unanimously selected Departure Media based on their previous advertising experience in the Charlotte market, proposed highest sales return (85.46%) to the Airport with no initial capital investment, certification as a DBE firm and was the most responsive to the Airport's proposed advertising concept.

Community Input: The Airport Advisory Committee is recommending this contract.

16. Airport and Transit Disadvantaged Business Enterprises (DBE) Program

Action: **Adopt a new Disadvantaged Business Enterprises (DBE) program that will apply to all of the Airport's FAA-funded contracts and the City's FTA-funded transit projects.**

Staff Resource: Jerry Orr
Bob Hagemann

Explanation:

- Since 1980, the Airport's Disadvantaged Business Enterprises (DBE) Program has conformed to the U.S. Department of Transportation's regulations. On February 2, 1999, the U.S. Department of Transportation issued new DBE regulations that require the City to adopt a DBE Program for all federally funded airport and transit contracts. These new regulations were in response to a U.S. Supreme Court decision that held that any federal race-conscious program is subject to "strict scrutiny" (i.e. narrowly tailored to further a compelling government interest).

- Key aspects of the new regulations include the following:

  - the program only applies to federally funded contracts

  - annual or program DBE goals must be set based on local market evidence using a prescribed methodology

  - race conscious means (e.g. contract goals and good faith effort requirements) can only be used to meet the portion of an annual goal that cannot be met through race-neutral means

  - DBE eligibility criteria includes a "small business" test and a personal net worth cap

- The program would apply to the Airport's FAA-funded contracts and the City's FTA-funded transit projects. Airport contracts that do not include federal funds would revert to the City's MWBD program. The Airport's concession program continues to be governed by the Part 23 regulations and remains unchanged.

- Council was briefed on this issue at the September 7 workshop.

Community Input:

The City's MWBD Advisory Committee was briefed on and discussed the issue at their September 2, 1999 meeting.

The following item addresses a 1999 Council Retreat priority: Business Retention Strategy and Action Plan

17. State Development Zone Eligible Geography

Action: **Approve an amendment to the eligible geography for the State Development Zones in Charlotte to allow Amicale Industries and Barnhardt Manufacturing to qualify for N.C. State incentives through the William S. Lee Jobs Act.**

Staff Resource: Tom Flynn

Focus Area: Economic Development

Policy: Retain and attract quality businesses

Explanation:

- An amendment to the existing Charlotte State Development Zone is requested for the purpose of accommodating expansions at two manufacturing facilities:
  - Amicale Industries is planning to add 30-40 manufacturing jobs to their existing labor force of 100. Amicale is currently located at 4701 Monroe Road, within the Oakhurst community and just outside the CWAC boundary. The Oakhurst Small Area Plan recognizes this industrial use.
  - Barnhardt Manufacturing is planning to add 15-20 manufacturing jobs to their existing workforce of 200. Barnhardt is located on Hawthorne Lane inside the CWAC boundary.
- Staff recommends amending the State Development Zone for the following reasons:
  - Retaining and expanding manufacturing workforce helps economic development of CWAC as shown in the employee profile of both companies.

1. Over one-half minorities
2. Over one-half live within two miles of work
3. 20% use public transportation

- Amicale's average wage is $540 per week, $28,000 per year (100% of statewide average) plus benefits.

- Adding this geography would include other non-residential zoning along Monroe and Independence that could benefit from the William S. Lee Act. The Barnhardt site is across the street from land that is already included in the State Development Zone.

- Adds $4.5-$5.5 million of taxable personal property to Charlotte and Mecklenburg County.

- Amicale and Barnhardt Manufacturing need this state support to justify the capital investment and job creation in Charlotte.

- No City funding is requested or required.

Background:

- William S. Lee Act provides the following benefits to new and expanding businesses in the State Development Zone:

  - $4,500 tax credit for every new job in the zone (must employ at least five people for at least 40 weeks)
  - 7% tax credit for investment in machinery and equipment
  - Worker Training tax credit of $1,000 per employee (must train a minimum of five employees)

- Council approved establishing the State Development Zone in November 1998.

Funding:

State Tax Credits

Attachment 12
Map of existing State Development Zone geography with the proposed additional census tract 18.98 shaded in gray.

18. Annexation Resolution of Consideration

Action: **Adopt a Resolution of Consideration for each of 10 Annexation Study Areas.**

Staff Resource: Dick Black

Focus Area: Economic Development

Policy: City Annexation Policy and State Annexation Statutes

Explanation:

- An individual Resolution of Consideration is recommended for each of the 10 annexation study areas. A series of official maps of each study area will be adopted as formal boundaries and will be on file with the City Clerk. The 10 study areas are:

  - Sunset Road/N.C. 115
  - Prosperity Church Road/Eastfield Road
  - I-85/Mallard Creek Road
  - Back Creek Church Road
  - Rocky River Road/Albemarle Road
  - McKee Road/Weddington Road
  - York Road/Steele Creek Road
  - Steele Creek Road/Shopton Road
  - Parkway Plaza
  - N.C. 16/Mt. Holly-Huntersville Road

- Under State Law, areas being considered for annexation must be identified at least one year before the beginning of formal annexation proceedings. This is accomplished through adoption of a Resolution of Consideration which delineates the geographical area under consideration. City Council must then wait one full year (but not more than two years) before initiating formal annexation proceedings.

- The Planning Commission staff has identified 10 areas which appear likely to qualify for annexation during the two-year life span of the resolution.

- Detailed studies will be conducted in the coming year to determine what part (or all) of each study areas is eligible. Those areas will then be submitted for annexation. Areas identified would be considered for annexation effective June 30, 2001.

- The following is a tentative timetable of Council actions in the annexation process:

  - September 1999 - Adopt Resolution of Consideration, outlining general areas that may be eligible

  - September 2000 - Adopt Resolution of Intent, given specific boundaries of proposed annexation areas

  - October 2000 - Approve Annexation Reports

  - November 2000 - Hold Public Hearings

  - January 2001 - Adopt Annexation Ordinances

  - June 30, 2001 - Effective Date of Annexation

Attachment 13
Map of the Annexation Study Areas

19. Nominations to Boards and Commissions

A. CITIZENS TRANSIT ADVISORY GROUP

Nominate citizens to serve one position for two years, and one position to serve one year, beginning immediately. On August 23, Council made additional nominations, left the nominations open, and voted to make appointments on September 27.

1. Peter Ackling, nominated by Councilmembers Cannon & Wheeler
2. Dean Bartlett, nominated by Councilmember Autrey
3. Robert Bischoff, nominated by Councilmember Rousso
4. John F. "Pete" Bleynat, nominated by Councilmember Cannon
5. Mike Castano, nominated by Councilmember Reid
6. Mark Cramer, nominated by Councilmember Autrey
7. John Greer, nominated by Councilmember Baker
8. Clay Grubb, nominated by Councilmember Jackson
9. Rick Hood, nominated by Councilmember Jackson
10. Clark Jackson, nominated by Councilmember Autrey
11. Mark Loflin, nominated by Councilmember Spencer
12. Laura McClettie, nominated by Councilmember Majeed
13. Jerry Reese, nominated by Councilmember Rousso
14. John "Whit" Wilkes, nominated by Councilmember Spencer

Attachment 14

20. Appointments to Boards and Commissions

Action: **Vote on the blue paper ballots and give to the City Clerk at dinner so she may announce the results at this point in the meeting.**

A. **AIRPORT ADVISORY COMMITTEE**

One three-year term beginning August 1999. Bill Covington is not eligible to be reappointed.

1. Linda Ashendorf by Councilmember Spencer
2. Frank Gilreath by Councilmembers Cannon & Reid

Attachment 15

B. **COMMUNITY RELATIONS COMMITTEE**

One position beginning immediately and ending July 2001. Padam Dhakad has resigned.

1. Josh Hawn by Councilmember Jackson
2. Louise Shackleford by Councilmember Cannon

Attachment 16

C. **MAYOR'S INTERNATIONAL CABINET**

Two positions to fill unexpired terms. One will replace Verna Lo who has moved out of town, and whose term expires 2/28/2001. The other will replace Paulette Beatty who has missed three consecutive meetings and whose term expires 2/28/2002.

At-Large:

1. Fred Dabney by Councilmembers Jackson & Autrey
2. Susan Lambert by Councilmember Wheeler
3. Yvette Sayles by Councilmember Reid

Ethnic:

1. Jana Babineau by Councilmember Jackson
2. Jesus Hernandez by Councilmember Wheeler

Attachment 17

D. <u>WEST CHARLOTE BUSINESS INCUBATOR, INC. (WCBI)</u>

Appoint one citizen to fill one position for two years to provide management oversight and control of the WCBI operations.

1. Ken Burton by Councilmember Majeed
2. Mark Gott by Councilmember Reid
3. Henry Beecher Hicks, III, by Councilmember Greene
4. Ruth Samuelson by Councilmembers Spencer & Wheeler

Attachment 18

Introduction to CONSENT

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

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

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

Minority and Women Business Development Program (MWBD) Abbreviations:
BBE - African American
ABE - Asian American
NBE - Native American
HBE - Hispanic
WBE - Non-Minority Women

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

CONSENT

21. Various Bids

A. Storage Tank/Truck Wash Pad Improvements at Fire Stations 27 & 28 — E&PM

Recommendation: The City Engineer recommends the low bid of $139,604.85 by Petroleum Equipment Services of Charlotte, North Carolina. This project includes construction of a truck wash pad and improvements to fuel storage tanks to meet City design standards and storm water permitting requirements at Fire Stations 27 and 28.

MWBD Status: No MWBD opportunities identified in this project.

B. Sanitary Sewer Construction – 8-Inch Sewer Through Traditions Golf Course to Katelyn Moors Subdivision **CMU**

Recommendation: Charlotte-Mecklenburg Utilities Director recommends the low bid of $258,819.31 by Castor Plumbing Company, Inc. of Cornelius, North Carolina. This work includes installation of approximately 3,200 linear feet of 8-inch sanitary sewer mains across the Traditions Golf Course to the Katelyn Moors Subdivision and elimination of the pump station in the subdivision. Temporary construction easements start at Prosperity Church Road, through the University City Presbyterian Church property, and across Traditions Golf Course.

MWBD Status:	Amount	% of Project	Project Goals
BBE	$0	0%	5%
WBE	$17,325	7%	5%

MWBD Compliance: Yes. Castor Plumbing has made a good faith effort.

C. Sanitary Sewer Construction - Highway 521 Landfill Sewer Trunk Phase 2 **CMU**

Recommendation: The Charlotte-Mecklenburg Utilities Director recommends the low bid of $273,985.48 by State Utility Contractors, Inc. of Monroe, North Carolina. This project was approved as a 15-year reimbursable contract with Mecklenburg County. Construction of this project will provide sanitary sewer service to the proposed Highway 521 Landfill site located off US-521 near the Union County Line.

MWBD Status:	Amount	% of Project	Project Goals
BBE	$2,300	1%	4%
WBE	$17,000	6%	5%

MWBD Compliance: Yes. State Utility Contractors have made a good faith effort. The goal for WBE has been exceeded.

D. FAR Part 150 Demolition Contract — AVIATION

Recommendation: The Aviation Director recommends the low bid of $219,000 by Moretti Construction of Charlotte, North Carolina. This contract will provide for demolition of structures (46 houses, 8 college buildings, and 11 mobile homes) at 6900 Wilkinson Blvd. (formerly Church of God).

MWBE Status: Goals	Amount	% of Project	Project
BBE	$100,000	45.66%	15%
DBE Total	$100,000	45.66%	15%

E. Catch Basin Cleaner — BUSINESS SUPPORT SERVICES

Recommendation: The Business Support Services Director recommends the unit price contract awarded by City Council on June 9, 1997 to Public Works Equipment and Supply, Inc. of Monroe, North Carolina, be extended for a third year. This extension was as requested in the bid and was as agreed upon by the vendor in the bid response. This is the last extension for this contract. A unit price contract was approved by City Council on June 9, 1997 to Public Works Equipment and Supply, Monroe, North Carolina for the purchase of catch basin cleaners. The Request for Council Action requested approval of the contract for one year with an option to extend for one additional year. The option should have read for two additional one-year terms as specified in the bid request and the vendors response.

22. Set Public Hearing Date for Proposed Amendments to Floodway Regulations

E&PM

Action: **Adopt a resolution setting a public hearing on September 27, 1999, to discuss proposed amendments to the Floodway Regulations.**

Explanation:

- In October 1998, Mecklenburg County Engineering and Building Standards contracted Hayes, Seay, Mattern, and Mattern to perform a floodplain analysis for all watersheds within the City of Charlotte and Mecklenburg County. The studies for two watersheds, McAlpine and Mallard, have been completed. The remaining watershed studies will be completed by the summer of 2000.

- The main purpose of the studies is to establish updated flood elevations and floodplain boundaries. The studies also assess the impact of allowing fill in the floodplain fringe areas and future development on the floodplain elevations.

- Charlotte-Mecklenburg Storm Water Services staff provided the results of the Mallard Creek Watershed to the City Council on January 25, 1999. The City Council approved the Mallard Creek Watershed results with an understanding that a policy would be developed to address any development that occurs prior to the adoption of all watershed study updates in the summer of 2000. The understanding included a desire to base this policy on results from more than one watershed study.

- Charlotte Mecklenburg Storm Water Services recently completed the second watershed study, McAlpine Creek. The study results were used to draft an interim policy for addressing development until all other watershed studies are complete. The impacts of flood fringe filling were also evaluated. The study results were presented to the Storm Water Advisory committee (SWAC). The committee recommended that staff draft proposed amendments to the floodway regulations for approval by both City Council and County Commissioners.

- Council will be asked to adopt the amendments to the Floodway Regulations at the October 11, 1999 Business Meeting.

- The proposed changes include:

  1. Addition of an interim flood policy to increase the elevation requirements for new construction along all FEMA-regulated streams until revised flood maps are adopted. The increase is 5.7 feet above existing elevation requirements based on the increases seen in the two watershed studies.

  2. Revise the definition of "floodway" to allow more area for the free flow of water by limiting the amount of fill that can be placed in the floodplain. The limit of fill is defined in the regulation as the increase of flooding elevation caused by fill placement. Current regulations allow a "one foot" increase. Proposed regulations will allow only "0.1 foot."

Attachment 19
Draft Interim Flood Policy

23. Voluntary Annexation - Set Public Hearing Date

Action: **Adopt a resolution setting a public hearing on October 11, 1999 for a voluntary annexation.**

Explanation:

- City Council is requested to adopt a resolution setting Monday, October 11, 1999, as the date for a public hearing on the voluntary annexation of the Glenhaven Subdivision.

- LandCraft Properties, Inc. is the owner of the property proposed for voluntary annexation. The property contains approximately 68.283 acres and is located on Old Plank Road, just north of Brookshire Boulevard. The property is presently undeveloped and the developer is in the process of completing the permit and design process.

- The petitioner requests this action in order for the entire property of the subdivision to be within the City limits. Presently only part of the property is located within the City limits.

- Council will be asked to take action on the voluntary annexation at the conclusion of the Public Hearing on October 11, 1999.

Funding: Petitioner has submitted a $180 filing fee with the City Clerk.

CONSENT II

24. Storm Water Fee Revenue Bond Financing

Action: **Authorize the Preliminary Official Statement for up to $34,000,000 of Storm Water Fee Revenue Bonds.**

Explanation:

- This action is necessary to satisfy legal requirements.
- The Preliminary Official Statement:
  - describes the bonds to be offered for sale and how the City intends to pay for them
  - describes the City
  - describes the Storm Water System
  - provides historical and projected financial information.
- On July 19, 1999, Council authorized staff to take the necessary steps to complete the bond sale.
- On October 11, 1999, Council will be asked to hold a public hearing and adopt the bond order approving the sale.

Funding: Debt service on the revenue bonds will be paid from storm water fees.

Attachment 20
List of Projects

25. Public Auction for Disposal of Equipment

Action:

A. Declare specific vehicles, equipment, various parts and supplies and other miscellaneous items as surplus and;

B. Approve a resolution authorizing sale at public auction on Saturday, September 18, 1999 at 10:00 a.m; Friday, September 24, 1999 at 1:00 p.m.; and Saturday, September 25, 1999 at 10:00 a.m. and;

C. Approve the donation of 12 surplus mobile radios to the Graham County Sheriff's Office in Robbinsville, North Carolina.

Explanation:

- Pursuant to North Carolina G.S. 160A-270, approval is requested for a public auction as follows:

  - On September 18, 1999 at 10:00 a.m. to dispose of Police unclaimed property at the City-County Surplus Property Facility located at 3301 N. I-85 Service Road, Charlotte, North Carolina.

  - On September 24, 1999 at 1:00 p.m to dispose of the Police helicopter at the Charlotte-Mecklenburg Police Hanger located at 3998 Sentry Post Road, Charlotte, North Carolina.

  - On September 25, 1999 at 10:00 a.m. to dispose of all other designated City owned property declared as surplus at the City-County Surplus Property Facility located at 3301 N. I-85 Service Road, Charlotte, North Carolina.

- The City has selected the method of public auction for disposal of surplus items by using an auction service chosen through competitive bid. This process was developed in the interest of fairness and is economical in its cost and time savings.

- Pursuant to North Carolina G.S. 160A-274, a Statute that gives the governing body of one municipality the authority to donate items to another governing body, approval is requested to donate 12 Motorola Mitrek mobile radios to the Graham County Sheriff's Office in Robbinsville, North Carolina. If sold at auction, they are estimated to sell for $25 per radio for a total value of $300.

Funding:

The Auction Company will be compensated for the sale through auction proceeds. For rolling stock equipment, they will receive 8.75% of the gross total sale price; for unclaimed Police property, they will receive 15% of the total gross sale price; and for miscellaneous items, they will receive 12% of the total gross sale price.

Attachment 21
List of property to be declared as surplus

26. Automatic Message Triggering and Route Set Up Systems for Transit

Action:

Approve additional unit price items in the contract with Digital Recorders, Inc. to provide an Automatic Message Triggering System and a Route Set Up System.

Explanation:

- On October 8, 1998, Digital Recorders responded to the City's request to purchase pieces of equipment that comprise a bus annunciation system. The equipment will provide recorded announcement capabilities on buses to better serve passengers and help meet Americans with Disabilities Act requirements. Features of the system include:

  - Recording capabilities

  - Next stop and other informational announcement capabilities on each bus

  - Bilingual announcement capability

- On November 23, 1998, City Council approved a unit price contract with Digital Recorders, Inc for the purchase of the Next Stop Voice Announcement System and Central Recording Stations. While several optional pieces of equipment were bid, those options were not awarded initially. The Transportation Key Business determined it would be best to install the first two systems and have them fully operational prior to deciding to purchase the optional equipment.

- The first two systems have been installed and are successfully operational. It is recommended that the Automated Message Triggering Set-Up System along with its route set-up requirements plus the Automatic Vehicle Location System be purchased to work with the already installed system and improve customer service.

- The unit prices for the Message Triggering and Automatic Vehicle Location System to be exercised are as follows:

  - $2,640/bus for the Automatic Message Triggering Set-up.

  - $710/bus for the route set-up necessary to install the Triggering System.

  - $3,000/bus for automatic vehicle location system

  - $850/bus for the route set-up necessary to install the location system

- The total estimated FY00 expenditure for these systems is $690,840. The Triggering System and Vehicle Locator System will be purchased using NC Technology Grant and FY2000 Grant application funds.

Funding: NC Technology Grant and FY2000 Grant Application Funds

27. FTA Technology Transfer Grant Authorizing Resolution and Budget Ordinance

Action:

A. Adopt a resolution authorizing the Director of Transportation to file an application and enter into agreements with the Federal Transit Administration (FTA) for a $50,000 transit grant; and

B. Adopt a budget ordinance appropriating the $50,000 FTA grant monies to the transit budget no local matching funds are required.

Explanation:

- In March 1999, the City of Charlotte was identified by the FTA to be part of a bus rapid transit consortium. The consortium is made up of the cities actively pursuing busways as a rapid transit technology.

- The City is applying for $50,000 in funds from FTA. The FTA has made funds available to encourage participation in the consortium. These grant funds will cover data collection costs and 100% of expenses incurred for maintaining active membership in the Rapid Transit Consortium. No City funds will be used to support membership in the consortium.

- The City's participation in the consortium will provide the City with:
  - Exposure to successful transit initiatives and best practices across the country
  - Interaction with DOT to build a relationship and learn of future funding opportunities

Funding: Transportation operating budget.

The following item addresses a 1999 Council Retreat priority: Neighborhood/Business Revitalization Strategy

28. First Ward Infrastructure Agreement

Action: **Approve an Infrastructure Agreement with NationsBank Community Development Corporation (NBCDC) to complete roadway improvements in the First Ward Garden District. The agreement amount is not to exceed $1,306,500.00.**

Policy: Create a vibrant, new, mixed-income residential neighborhood in Uptown Charlotte, increase property values in First Ward and the tax base of the City of Charlotte and Mecklenburg County (From *First Ward Master Plan* adopted by City Council July 28, 1997).

Explanation:

- The First Ward Master Plan was adopted by City Council in June 1997. This plan includes a new "J" shaped street and the reconstruction of 9th Street in the "Garden District" area. City Council approved funding for these two projects as part of the First Ward Plan in the FY99 - 03 Capital Investment Plan totaling $4.5 million.

- NBCDC, through the "Purchase and Sale Agreement" dated September 28, 1998, and approved by Council, is proceeding with the purchase of City property in the Garden District of First Ward in order to develop mixed income housing. NBCDC will implement this development in accordance with the First Ward Master Plan.

- In order to expedite their redevelopment NBCDC proposes to construct the improvements to 9th and "J" Streets if the City will reimburse NBCDC for the costs associated with the street projects. In addition, NBCDC will make associated improvements to 10th and Alexander Streets at no cost to the City.

- The City is authorized by Article III of the City Charter and N.C.G.S. & 160A-458.3 to enter into contracts for uptown development projects where the developer is responsible for the construction of the entire project.

- The Purchase and Sale Agreement indicates that the City and NBCDC will enter into an "Infrastructure Agreement" to specify the terms and conditions of the reimbursement for construction costs.

- The reimbursement amount of $1,156,500 was developed from a construction cost estimate prepared by the City and based on the final construction plans. The amount has been approved by NBCDC.

- The requested amount of $1,306,500 includes a reimbursement amount of $1,156,500 to be paid to NBCDC in five payments based on their achieving project milestones. The remaining sum of $150,000 is included as a contingency in case costs arise for rock removal, replacement of unsuitable soil materials, and/or other typical contingency items that exceed estimates. These funds will only be used with authorization from the City.

Background:

- On July 28, 1997, City Council approved the First Ward Master Plan, which outlines development goals and objectives for First Ward.

- On July 27, 1998, City Council approved the designation of the First Ward Master Plan as a Community Development Plan and the designation of First Ward as a Community Development Project Area enabling the City to negotiate a private sale according to NCGS 160A-457.

- In June 1998, City Council approved funding for improvements to N. Davidson St., 9th St., and the "J" street in the FY99 CIP.

- On September 28, 1998, City Council authorized the execution of an agreement for the sale of the property.

Funding: Capital Investment Plan

Attachment 22
Map of Garden District

29. Underground Storage Tank Program

Action: **Approve Amendment #2 for $200,000 with Aware Environmental, Inc. of Charlotte for engineering services for the Underground Storage Tank (UST) Program.**

Explanation:

- On June 22, 1997, Council approved the original agreement with Aware Environmental, Inc. (Aware) for $300,000 for engineering, environmental, and testing services for the underground storage tank program.

- On July 27, 1998, Council approved Amendment #1 with Aware for $300,000 for a continuation of engineering, environmental, and testing services. The total amount spent to date is $600,000.

- To date, the City has upgraded, removed, or replaced more than 140 tanks in order to meet EPA requirements.

- This Amendment #2 with Aware will provide funds for continued compliance of contaminated UST sites in order to meet EPA requirements for site monitoring, assessment, remediation and/or closeout.

- Aware has done exemplary work under this contract. This amendment is recommended in order to provide continuity of services on city projects. This contract may be amended in the future to meet ongoing EPA requirements at contaminated sites.

- Aware was selected using the Council-approved process.

Funding: Capital Investment Plan

30. Police & Fire Training Academy Environmental Cleanup

Action: **Approve an Agreement for $156,000 with Law Engineering and Environmental Services, Inc. of Charlotte for engineering services for the Police & Fire Training Academy Environmental Cleanup Project.**

Explanation:

- This Agreement with Law Engineering and Environmental Services, Inc. (Law) will provide funds for continued engineering and testing services per State and Federal Guidelines governing the contaminated fire pit site.

- The original agreement with Law was approved May 7, 1992 and has been amended twice. This new Agreement was prepared, as opposed to amending the original Agreement, in order to incorporate the City's latest contract language including the General Terms and Conditions. The total amount spent to date for the original Agreement and two amendments is $692,000.

- In past practices, the Fire Department accepted flammable wastes from a number of private companies in the area. Some of these wastes contained hazardous material that, along with oil and grease, contaminated the soils around and under the old fire pits.

- This contract may be amended in the future for continued closure activities.

- Law was originally selected using the Council-approved process. Their performance has been satisfactory.

Funding: Capital Investment Plan

31. Sewer Contract – Centex Homes

Action: **Recommend approval of a reimbursable sewer contract between the City and Centex Homes.**

Explanation:

- Centex Homes requests a contract for the design and construction of a sanitary sewer main from Walkers Branch Outfall to Hamilton Road. This sewer main will receive sanitary sewer flow from the proposed Hamilton-Smith Lift Station and Force Main, to be located on the Mecklenburg County /York County line. Centex Homes proposes to construct the lift station and force main under the Donated Extension Program, and this sewer extension by the 5-Year Reimbursement Program, to serve their proposed subdivision.

- The sanitary sewer facilities have an estimated cost of $530,400. The applicant will pay the full cost of this project. The city will reimburse the applicant over a five year period because it is an approved Capital Investment Plan project.

- The Hamilton Smith Receiving Outfall was placed in the FY 2000-04 CIP.

Funding: The applicant has deposited 20% of the estimated project cost with the remaining 80% to be deposited by letter of credit prior to construction.

32. Resolution Accepting FAA Grants

Action:

A. Adopt a resolution accepting Federal Aviation Administration (FAA) grant AIP-35 in the amount of $7,436,877; and

B. Adopt a resolution authorizing the Aviation Director to accept any FAA grants to provide additional Federal funding for various projects.

Explanation:

- Under the Federal legislation for the Airport Improvement Program, the FAA allocates a certain amount of grant money for discretionary projects, such as the noise Compatibility Program and high priority airfield projects. The FAA has advised the Airport that additional funds may be available if Congress re-authorizes the Airport Improvement Program before the end of the Federal fiscal year.

- Considerable debate in Congress has delayed the re-authorization of the Airport Improvement Program this year. It is anticipated Congress will re-authorize the legislation before the end of the federal fiscal year, which ends September 30.

- Each year, the Airport qualifies for FAA entitlement funds based on passenger enplanements. This year's entitlements of $7,436,877 will be used to repay 75% of the costs of a portion of the 1997 Master Plan Land Acquisition Program and several small airfield projects already completed.

- This resolution will authorize the Aviation Director to accept this grant and any other grants if offered by the FAA on behalf of the City.

- The Aviation Director will ask Council to appropriate the grant funds at a later Council meeting.

Community Input: Airport Advisory Committee recommends this project.

Funding: Accepted grant funds will be appropriated at a later Council meeting once the final amount is determined.

33. Terminal Floor Renovation Change Order

Action: **Approve Change Order No. 1 in the amount of $105,593 with Edison Foard, Inc. of Charlotte for additional floor renovations.**

Explanation:

- This change order is for additional carpet floor patch, remaking bag wells at the ticket counters, additional concrete floor crack repair, additional carpet for Concourse D holdrooms and boarding ramps and for construction delays due to late airline arrivals.

- This contract provided a new terrazzo floor to replace the carpet in the terminal lobby.

- The contract and change order history is as follows:

Original contract (awarded by Council on January 11, 1999)	$1,091,742
Change Order No. 1	$105,593
Total contract amount	**$1,197,335**

Community Input: Airport Advisory Committee recommends this Change Order.

Funding: Aviation Operating Fund

34. Change Order for Taxiway G

Action: **Approve Change Order No. 1 in the amount of $195,000 with Blythe Development Co. of Charlotte to construct partial paved shoulders for Runway 5-23.**

Explanation:

- This change orders adds partial paved shoulders to Runway 5-23 in order to improve the air traffic flow during winter weather events.

- The contract and change order history is as follows:

Original contract (awarded by Council on May 26, 1998)	$2,997,055.15
Change Order No. 1	$195,000.00
Total contract amount	**$3,192,055.15**

Community Input: Airport Advisory Committee recommends this Change Order.

Funding: Aviation Capital Improvement

35. Airport Planning Services

Action: **Approve a Professional Services Contract with Roy Johnson, AIA to provide terminal planning and architectural services, not to exceed $275,000.**

Explanation

- This contract will provide the professional services of Roy Johnson, AIA to assist the Airport staff in planning and implementing terminal facility improvements including A-Concourse Expansion, D-Concourse Expansion and other terminal improvements as needed over the next several years.

- The scope of services for this contract will include helping to select architectural and engineering firms for concourse expansions and improvements, negotiating contracts, developing design concepts and reviewing plans. The per unit cost for service is $100 per hour.

- Mr. Johnson recently retired as a principal of Odell Associates and has been involved in the terminal facility development for over 20 years. Mr. Johnson's familiarity and expertise will be a significant asset as the Airport continues its development and improvement program.

Community Input: Airport Advisory Committee recommends this contract.

Funding: Aviation Operating Fund

36. Airport Solid Waste Collection and Disposal Services Contract

Action: **Award a service contract on a unit-cost basis for a three-year period to the low proposer, Waste Management of Gastonia.**

Explanation:

- This contract provides container rental, solid waste collection, transport to the landfill, cardboard recycling and tipping fees at the landfill on a unit cost basis for the airport terminal.

- The unit cost for the landfill-tipping fee is the county established rate without markup. The other unit costs are as follows:

Haul rate	$71.50/haul	– garbage island maintenance facility
	$60.00/haul	– recycling
	$74.95/haul	– loading dock area
Container rental	$1315/month	

- Three companies submitted proposals – Container Corporation, GDS and Waste Management. Waste Management submitted the lowest proposal. The first year contract is estimated at $279,377.

- There are two one-year extensions available in the City's sole discretion for the same unit prices.

Community Input: Airport Advisory Committee recommends this contract.

Funding: Aviation Operating Budget

37. Engineering Design Services for Ramp D Expansion

Action:

A. Adopt a Budget Ordinance to appropriate $650,000 to fund the design contract and associated expenses for the Ramp D Expansion; and

B. Award a $574,000 engineering design contract to Talbert & Bright, Inc. of Charlotte for the design of the ramp expansion.

Explanation:

- The expansion of Concourse D and the construction of a new Concourse E will accommodate two additional international gates, five additional domestic air carrier and 21 regional airline gates. This expansion will require a $14 million aircraft ramp.

- Talbert & Bright was selected, along with two other engineering firms, for a three year period to perform various airfield engineering design services. Talbert & Bright was selected for this project two years ago and began preliminary design and cost estimates at that time.

- The design fee is broken down as follows:

Lump Sum Design Fee (includes design, bidding and construction administration)	$564,000
Reimbursable Expenses	$10,000
Total	$574,000

- This design fee is 4.89% of the estimated construction costs of $11,750,000, which is within the range of prior airport projects of this type.

Funding: The Airport will fund this project from the discretionary fund balance to be repaid from the proceeds of the 1999 General Aviation Revenue Bond Issue and future Federal Aviation Administration (FAA) grants. The debt service on the bonds will be repaid by concourse rental and landing fees.

38. Engineering Design Services for Runway Safety Areas

Action:

A. Adopt a Budget Ordinance to appropriate $125,000 to fund the design contract and associated expenses for Runway 23 safety area improvements; and

B. Award a $104,675 engineering design contract to The LPA Group of North Carolina of Charlotte for the design of the safety area improvements.

Explanation:

- Current FAA regulations require a smooth graded area (safety area) 1,000 feet long from each end of the runway. Runway 5-23 is 60 years old and has only a 460 foot safety area. This project will extend the safety area to 860 foot, the maximum feasible without relocating Josh Birmingham Parkway.

- The LPA Group was selected, along with two other engineering firms, for a three-year period to perform various airfield engineering design services.

- This design fee is broken down as follows:

Design	$93,600
Bidding	$7,280
Reimbursable expenses	$3,795
Total	$104,675

- This design fee is 3.61% of the estimated construction costs of $2,900,000, which is within the range of prior airport projects of this type.

Funding: The Airport will fund this project from the discretionary fund balance to be repaid from the proceeds of the 1999 General Airport Revenue Bonds Issue. The bond debt service will be repaid through airport landing fees.

39. Property Transactions

Action: **Approve the following property acquisition (A-H) and adopt the condemnation resolution (I-N).**

Acquisitions:

A. **Project**: 120' Raw Water Main Catawba Station to Franklin Treatment Plant, Parcel #37
Owner(s): Elnora Abernethy Estate c/o Walter Abernethy
Property Address: 6815 Pleasant Grove Road
Property to be Acquired: Temporary construction easement 120,000 sq.ft. (2.757 ac.)
Improvements: fences, pole barn, cattle pasture & landscaping buffer
Purchase Price: $11,500
Remarks: Temporary construction easement needed for a 120' raw waterline. Compensation is based upon current land values on appraisals made in the area.
Zoned: R-3
Use: Single Family Dwelling
Total Parcel Tax Value: $532,150
Tax Code: 035-181-08

B. **Project**: 120' Raw Water Main Catawba Station to Franklin Treatment Plant, Parcel #3
Owner(s): William D. McRorie, Jr., Robert E. McRorie & Deborah McRorie, Alice M. Pressgrove & Fletcher Pressgrove & Becky Jean McRorie
Property Address: 9800 McRorie Road
Property to be Acquired: Temporary access easement 19,229.10 sq.ft. (0.441 ac.)
Improvements: N/A
Purchase Price: $12,000
Remarks: A 15-foot wide temporary access easement is needed for construction of the 120' raw waterline. The acquisition price is based on appraisals made in the area.
Zoned:R-3

Use: Single Family Dwelling
Total Parcel Tax Value: $311,060
Tax Code: 033-041-03

C. **Project**: Beatties Ford/Sunset Road Intersection Improvements, Parcel #35
Owner(s): George W. Barry & wf., Carol D. Barry
Property Address: 4308 Sunset Road
Property to be Acquired: 1,052.01 sq.ft. (0.024 ac.) and 489.36 sq.ft. (0.120 ac.) of temporary construction easement.
Improvements: Landscaping & shrubs
Purchase Price: $28,300
Remarks: This acquisition is needed for intersection improvements at Beatties Ford/Sunset Road Intersection. Acquisition price was established by two independent, certified appraisals.
Zoned: B-2
Use: Single family residence
Total Parcel Tax Value: $336,600
Tax Code: 041-221-02

D. **Project**: Monroe/Sharon Amity Roads Improvements, Parcel #9 & #10
Owner(s): Commercial Properties Group, Inc.
Property Address: 2035 North Sharon Amity Road
Property to be Acquired: 6,660 sq.ft. (.153 ac.) and 4,182 sq.ft. (.096 ac.) of temporary construction easement
Improvements: N/A
Purchase Price: $186,100
Remarks: This acquisition is needed for intersection improvements at Monroe Road and Sharon Amity Road. Acquisition price was established by two independent, certified appraisals.
Zoned: B-1
Use: Commercial/Vacant
Total Parcel Tax Value: $250,610
Tax Code: 161-107-27, 161-107-12

E. **Project**: Beatties Ford/Sunset Road Intersection Improvements, Parcel #7
Owner(s): Sunset Road Associates 2, LLC
Property Address: 5041 Sunset Road
Property to be Acquired: 8,446.28 sq.ft. (0.194 ac.) and 4,900 sq.ft. (0.113 ac.) of temporary construction easement
Improvements: None
Purchase Price: $13,114
Remarks: This acquisition is needed for intersection improvements at Beatties Ford/Sunset Road Intersection. The acquisition price was established by two independent, certified appraisals.
Zoned: B-1 R-4
Use: Vacant
Total Parcel Tax Value: $98,850
Tax Code:039-291-32

For Items **F** through **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 per Federal Guidelines 49 CFR Part 24 of the Uniform Acquisition and Relocation Act of 1970. Acquisition costs are eligible for Federal Aviation Administration reimbursement.

F. **Project:** Master Plan Land Acquisition
Owner(s): David and Nancy Barton
Property Address: 8501 Trexler Avenue
Property to be acquired: .459 acres
Improvements: mobile home
Purchase Price: $40,000
Zoned: RMH **Use:** Mobile home
Tax Value: $3,040
Tax Code: 113-106-04

G. **Project:** Master Plan Land Acquisition
Owner(s): H M S Properties
Property Address: 4900 Wallace Neel Road
Property to be acquired: .551 acres
Improvements: warehouse
Purchase Price: $207,000
Zoned: I1 **Use:** warehouse
Tax Value: $151,720
Tax Code: 113-142-06

H. **Project:** Master Plan Land Acquisition
Owner(s): Hunt, Franklin and Brenda
Property Address: 8605 Trexler Avenue
Property to be acquired: .459 acres
Improvements: Mobile Home
Purchase Price: $66,000
Zoned: RMH **Use:** Single Family Residence
Tax Value: $44,980
Tax Code: 113-107-03

Condemnations:

I. **Project:** Beatties Ford/Sunset Road Intersection Improvements, Parcel #29
Owner(s): Northpark, a Ltd. Partnership & any other parties of interest
Property Address: Northpark Blvd.
Property to be Acquired: 1,376.5 sq.ft. (0.032 ac.)
Improvements: None
Purchase Price: $2,300
Remarks: The area is needed for the construction of intersection improvements for Beatties Ford/Sunset Rd. City staff has yet to reach an agreement with the property owner after numerous contacts and negotiations. The compensation amount is based on an independent, certified appraisal.
Zoned: I1-CD
Use: Industrial
Total Parcel Tax Value: $50,530
Tax Code: 037-129-32

J. **Project**: Beatties Ford/Sunset Road Intersection Improvements, Parcel #30
Owner(s): Northpark, a Limited Partnership Trammel Crow Commercial and any other parties of interest
Property Address: Sunset Road
Property to be Acquired: 2,395.8 sq.ft. (0.055 ac.)
Improvements: Trees, shrubs
Purchase Price: $5,500
Remarks: The area is needed for the construction of intersection improvements for Beatties Ford/Sunset Rd. City staff has yet to reach an agreement with the property owner after numerous contacts and negotiations. The compensation amount is based on an independent, certified appraisal.
Zoned: I1-CD
Use: Industrial
Total Parcel Tax Value: $96,270
Tax Code: 037-129-30

K. **Project**: Beatties Ford/Sunset Road Intersection Improvements, Parcel #32
Owner(s): Northpark, a Limited Partnership Easley McCaleb & Stallings and all other parties of interest
Property Address: Northpark Blvd.
Property to be Acquired: 1,176.12 sq.ft. (0.027 ac.)
Improvements: None
Purchase Price: $550
Remarks: The area is needed for the construction of intersection improvements for Beatties Ford/Sunset Road. City staff has yet to reach an agreement with the property owner after numerous contacts and negotiations. The compensation amount is based on an independent, certified appraisal.
Zoned: I1-CD
Use: Industrial
Total Parcel Tax Value: $537,270
Tax Code: 037-129-01

L. **Project**: Beatties Ford/Sunset Road Intersection Improvements, Parcel #42
Owner(s): Vallabhbhai N. Patel & wf., Hansa V. Patel & any other parties of interest
Property Address: 4518 Sunset Road
Property to be Acquired: 7,923.56 sq.ft. (0.182 ac.)
Improvements: Trees
Purchase Price: $11,800
Remarks: The area is needed for construction of intersection improvements for Beatties Ford/Sunset Road. City staff has yet to reach an agreement with the property owner after numerous contacts and negotiations. The compensation amount is based on an independent, certified appraisal.
Zoned: B2
Use: Single Family
Total Parcel Tax Value: $155,420
Tax Code: 041-233-15

M. **Project**: Long Creek Parallel Outfall-Phase II, Parcel #8
Owner(s): John M. Lethcoe & any other parties of interest
Property Address: 419 Creston Circle
Property to be Acquired: 8,979.5 sq.ft. (0.207 ac.)
Improvements: Trees
Purchase Price: $3,000
Remarks: The areas are needed for the construction of a sanitary sewer line for Long Creek Parallel Outfall-Phase II. City staff has yet to reach an agreement with the property owner after numerous contacts and negotiations. The compensation amount is based on an independent, certified appraisal.
Zoned: R-3
Use: Single Family
Total Parcel Tax Value: $97,440
Tax Code: 053-022-14

N. **Project**: Sanitary Sewer to Serve 13215 Saddletree Court, Parcel #1
Owner(s): Neubert Purser & wf., Juanita S. Purser & any other parties of interest
Property Address: 3024 Matthews-Mint Hill Road
Property to be Acquired: 672.98 sq.ft. (.015 ac.)
Improvements: Fence & trees
Purchase Price: $150
Remarks: A permanent and temporary easement is required for the construction of a sanitary sewer extension to Saddletree Court, which will eliminate an environmental problem. City staff has yet to reach an agreement with property owner after numerous contacts.
Zoned: R-20
Use: Single Family/Farm
Total Parcel Tax Value: $215,660
Tax Code: 215-163-01

40. Minutes

Action: **Approve the titles, motions and votes reflected in the Clerk's record as the minutes of the August 17, 1999 Joint City/County School Board Meeting and the August 23, 1999 Business Meeting.**

ANNOUNCEMENTS

On October 11, 1999, City Council will make nominations to fill vacant positions on the following boards:

1. **AIRPORT ADVISORY COMMITTEE**
   Two recommendations by the Carolinas Partnership for one year terms beginning November, 1999. James Carpenter and Manning Kimmel are eligible to be reappointed.

2. **COMMUNITY HOUSING DEVELOPMENT CORPORATION**
   One citizen knowledgeable in real estate law for a three year position beginning January first, 2000. James Dillon is eligible to be reappointed

3. **HOUSING APPEALS BOARD**
   One position beginning January first, 2000 to serve three years. Charlie Dean is eligible to be reappointed.

4. **HOUSING AUTHORITY**
   One three year appointment beginning December, 1999. Richard Van Dyke is eligible for reappointment.

5. **MINORITY/WOMEN'S BUSINESS DEVELOPMENT**
   One appointment in the open category beginning immediately and ending August, 2000. Troy Watson has resigned.

6. **TREE ADVISORY COMMISSION**
   Three appointments for three years beginning December 14, 1999. Peter Franz and Thomas Lannin are eligible for reappointment; Carrie Winter is not eligible for reappointment.

Applications are available from the Office of the City Clerk, 600 East 4th Street, 336-7493, or on the Internet at www.charmeck.nc.us/ciclerk/bdcommi1.html. All applications must be received by October 4, 1999 at 5:00 p.m.