

Mayor Patrick McCrory

Rod Autrey
Patrick Cannon
Nancy G. Carter
Mike Castano
Malcolm Graham

Mayor Pro Tem Susan Burgess

Don Lochman
James Mitchell, Jr.
Sara Spencer
Lynn Wheeler
Joe White

CITY COUNCIL MEETING
Monday, April 10, 2000

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**

2000 Council Retreat Priorities

Top Priorities for 2000

Housing Policy and Strategy

Community Safety Strategy: Safest City in America

Road Improvements

West Side Strategy

High Priorities for 2000

Business Corridor Revitalization

Eastside Strategy Plan

Financial Policies

Neighborhood Initiatives

North Tryon Strategy

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5:00 P.M. DINNER BRIEFING CONFERENCE CENTER

1. Tryon Street Mall Improvements

Resources: William Haas, Engineering & Property Management
Karen Weston-Chien, The FWA Group

Time: 15 minutes

Attachment 1

2. North Tryon Property Request for Qualifications/Proposal Process

Resources: Tom Flynn, City Manager's Office
Rob Walsh, Charlotte Center City Partners

Time: 20 minutes

Attachment 2

3. Destination Charlotte

Resources: Johnny Harris, Chairman, Destination Charlotte
Tom Flynn, City Manager's Office

Time: 30 minutes

Attachment 3

4. Proposed Passenger Vehicle for Hire Ordinance

Resources: Anthony Fox, Legal Counsel, Parker Poe Adams and
Berstein
Julie Burch, Assistant City Manager

Time: 30 minutes

Attachment 4

5. Agreement with North Carolina Department of Transportation Regarding Johnston Road Ramps

Resource: Bill Finger, Charlotte Department of Transportation

Time: 10 minutes

Attachment 5

6. Committee Reports by Exception

City Within A City: Wingate Neighborhood Housing Development;
West Charlotte Business Incubator

Restructuring Government: Public Access Amendments to Time
Warner Cable Franchise Agreement

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

CONSENT

- 7. Consent agenda items 22 through 37 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

8. Public Hearing on FY2001-2005 Consolidated Plan for Housing and Community Development

Action: Conduct a public hearing to receive comments on the proposed FY2001-2005 Consolidated Plan for housing and community development.

Committee Chair: Rod Autrey

Staff Resource: Stanley Watkins

Focus Area: City Within A City

Policy:

The Consolidated Plan is the City's Five Year strategy for providing housing and community development activities to serve low and moderate-income households. The plan describes the City's goals, objectives and strategies for carrying out federal and local programs for FY 2001-2005. The planning document is required to receive federal funds.

Explanation:

The FY2001–2005 Consolidated Plan focuses Charlotte's efforts on providing economic opportunities, housing and sustainable neighborhoods. The plan establishes a vision for the Charlotte community and sets forth goals, objectives and benchmarks to achieve the vision. The Plan also embraces U.S. Department of Housing and Urban Development (HUD) goals of providing housing, suitable living environments and economic opportunities for low and moderate-income households.

The *2001 Action Plan* serves as the City's annual application for federal grant funds and is due in to HUD on May 15, 2000. Submission of the One Year Plan is required to receive an estimated \$7.3 million in new federal dollars. The proposed funds are included in four grant programs:

Community Development Block Grant (CDBG)	\$4,713,000
Home Investments and Partnerships (HOME)	2,081,200
Emergency Shelter Grants (ESG)	161,000
Housing Opportunity for Persons with AIDS (HOPWA)	<u>428,000</u>
Total	\$7,383,200

It is estimated that the City's Consolidated Plan will leverage over \$143 million in resources over the next five years.

The Plan continues current policies regarding the City's approach to housing and community development. The housing portion of the Plan will be re-evaluated and amended after City Council's review and acceptance of the

Charlotte Housing Stakeholders' report. Council will be asked to approve the Consolidated Plan at its meeting on April 24, 2000.

Background:

The City produced its first Consolidated Plan in 1996 under new federal guidelines mandated by HUD. The City of Charlotte 1996 Plan represented a coordinated approach to addressing housing and community development needs and planned use of federal and local housing funds.

The key strategies to implementing the City's 2001-2005 Consolidated Plan and *2001 Action Plan* include focusing and coordinating resources to target neighborhoods and business areas for sustainable change; collaborating and partnering with other agencies, private-sector and neighborhood residents; and leveraging local state and federal resources with the private sector.

The FY2001 federal fund allocation represents an increase of approximately 3% over the FY2000 fund amount. The annual allocation is determined by HUD's entitlement formulas – data based on overcrowded housing, population and poverty; or data based on age of housing, population growth lag and poverty.

The *FY2001 Action Plan* outlines how the City proposes to use federal and local dollars to implement housing and community development strategies to serve low and moderate-income persons. The Plan's Executive Summary and a summary of how the federal allocation will be spent are provided in the attachment. Copies of the document have been placed in the City Council Library.

Committee Discussion:

On March 22, 2000, the City Within A City Committee received as information the FY2001- 2005 Consolidated Plan. The Plan highlights the City's housing and community development initiatives that will be undertaken over the next five years. The Committee asked staff to provide performance information for each of the goal areas for the previous 5 years. This information will be provided prior to Council's review of the final document on April 24, 2000.

Community Input:

Two citizen and agency forums were held in December 1999, to inform the community about the Consolidated Plan preparation process and the opportunity to submit projects for inclusion in the Plan. On March 13, 2000 copies of the draft document were distributed to public places for citizen review and comments. Citizens were invited to share their feedback regarding the document at four citizen forums – Old City Hall, East Trade Street; Police Service Center, LaSalle Street; West Boulevard Branch Library, West Boulevard; and Sugaw Creek Recreational Center, West Sugaw Creek Road. Comments received from these forums will be included in the final Consolidated Plan document.

Funding:

Federal CDBG, HOME, ESG and HOPWA funds. Budget ordinance for acceptance of these funds will be included in the FY2001 Budget adoption.

Attachment 6

- Uses of Federal Grant Allocations
- Executive Summary – FY2001-2005 Consolidated Plan

9. Northeast Area Plan

Action: Conduct a public hearing to receive comments on the draft Northeast Area Plan.

Committee Chair: Lynn Wheeler

Staff Resource: Kathy Cornett

Explanation:

Because of significant growth and development in both Mecklenburg and Cabarrus counties, the Charlotte-Mecklenburg Planning Commission and the Board of County Commissioners directed Planning Staff in May 1999 to begin a study of the area located between U.S. 29 and the proposed Mallard Creek/I-485 interchange. The boundaries are defined as the Cabarrus County line to the north, the creek line past U.S. 29 to the east, Mallard Creek Church Road to the south and Mallard Creek Road and portions of Ridge, Johnston-Oehler and Odell School roads to the west.

A significant amount of this area is within the boundaries of the City's Extra Territorial Jurisdiction. Although the plan addresses a number of issues affecting the study area, it is primarily centered around the following issue areas:

- Land Use/Zoning/Urban Design
- Transportation/Mobility
- Parks/Open Space
- Environmental Quality

Staff worked with an inter-jurisdictional team consisting of representatives from Mecklenburg County Engineering, Mecklenburg County Park and Recreation, the Charlotte-Mecklenburg Utility Department (CMUD), the Charlotte Department of Transportation (CDOT), the Cabarrus County Planning Department and the Charlotte-Mecklenburg Planning Commission. Three community meetings were held as part of the plan development process. The Planning Committee of the Charlotte-Mecklenburg Planning Commission approved the draft plan after making revisions at their January 18, 2000 meeting.

County Commission received public comments on the plan at the February 1 meeting and approved the plan as presented by staff with two amendments on March 7, 2000. These amendments are both in the City's extraterritorial jurisdiction and are explained below.

- In Area 1 of the Plan, indicate that the parcels at the intersection of Galloway Road and Mallard Creek Road be shown with the option to include research type uses as is allowed by the existing Northeast District Plan.
- In Areas 2 and 3 of the Plan, include the option for research uses in addition to the residential, office and retail uses, and with the retail uses designated and planned as an integral part of the mixed use area rather than as a separate shopping center across from the existing center.

The next step will be for the Economic Development and Planning Committee to review the Plan again and make a recommendation to the City Council. A complete copy of the Plan is available in the Council library and by request from the Planning staff.

Committee Discussion:

The Economic Development and Planning Committee received an overview of the Plan at their February 14, 2000 meeting. Lynn Wheeler, Nancy Carter, Patrick Cannon, Malcolm Graham, Don Lochman and James Mitchell attended. Issues raised included transportation, transit corridor and station locations, and employment opportunities. The committee took a bus tour of the study area on March 29th.

Community Input:

Three public meetings were held during the Plan development process. The purpose of the public meetings was to solicit public comment, which provided staff with a sense of some of the issues to be addressed in the Plan. Planning Commission staff and elected officials attended each of the meetings. In addition, staff met with property owners and developers where there were differences of opinion regarding proposed land uses. Also, the Planning Committee invited the public to speak about the Plan at their December meeting. Again, staff met with property owners to discuss issues prior to the Planning Committee's adoption of the Plan.

Attachment 7

Executive Summary portion of the Northeast Area Plan

POLICY

10. City Manager's Report

11. Public Access Amendments to Time Warner Cable Franchise Agreements

Action:

- A. Approve the Restructuring Government Committee recommendation to adopt ordinances amending Time Warner Cable's public access requirements;**
- B. Authorize the City Manager to enter into a funding agreement with the Charlotte-Mecklenburg Public Access Corporation (CMPAC);**
- C. Adopt a budget ordinance amendment appropriating the \$437,253.67 in Vision Cable Access Support Funds to the CMPAC; and**
- D. Dissolve the Citizens Cable Oversight Committee contingent upon the legal formation of the CMPAC.**

Committee Chair: Joe White

Resources: Doris Boris, Cable Communications Administrator
Kevin Levine, Citizens Cable Oversight Committee

Explanation:

In 1993 City Council gave approval to the Citizens Cable Oversight Committee to draft final plans for the formation of a private, non-profit public access corporation. On February 21, 2000 the Restructuring Government Committee voted to recommend the transfer of public access from Time Warner Cable to the Charlotte-Mecklenburg Public Access Corporation (CMPAC), with funding for public access to be provided by a \$0.20 per month access support charge paid by cable television subscribers. Council was briefed on this matter at the March 27 dinner meeting.

In order to modify the current operational structure for public access to incorporate CMPAC, Time Warner's cable franchise requirements will be amended to:

- Remove current requirements to provide facilities and staff
- Provide access support funds at an initial rate of \$0.20 per subscriber per month. This rate will initially generate approximately \$350,000 annually. The rate will be annually adjusted by the Consumer Price Index.

The public access support funds from the 1991 Vision Cable (now Time Warner Cable) franchise will cease to be collected and the monies which have accumulated in this account, currently \$437,253.67, will be allocated to the new Corporation as “start-up” funding. These funds will be provided to the CMPAC through a funding agreement to be executed by the City Manager. The funding agreement will provide that all assets of the CMPAC will be transferred to the City upon either the dissolution of the corporation or an amendment to the franchise agreement that changes the structure of public access services.

The above actions will be contingent upon:

- the legal formation of the CMPAC
- CMPAC and Time Warner entering into an equipment lease agreement that will transfer existing public access equipment to CMPAC
- the City Manager executing a funding agreement with CMPAC

The current franchise agreements require Time Warner to provide an annual payment of \$20,000 to WTVI for access support. The proposal before Council would eliminate that payment. It is staff’s opinion that WTVI does not use this money for access support. WTVI could continue to be supported with non-public access funds. However, Time Warner is unwilling to assume this kind of additional funding obligation since non-public access support of a public television station is not contemplated by federal law.

The FY2001 budget plan currently includes no funding for WTVI.

If Council approves this item, the franchise amendments will be placed on the April 24 agenda for a second vote as required by state law. In addition, Council will make nominations to the CMPAC Board on April 24.

After the transition of public access to the CMPAC is complete, the Citizens Cable Oversight Committee’s primary mission will have been fulfilled. Therefore the Committee leadership is recommending that, unless Council elects to redefine its role and charge, the Committee should be dissolved.

Committee Discussion:

On February 21 the Restructuring Government Committee met. Joe White, Don Lockman, Malcolm Graham and Sara Spencer attended the meeting. The Committee voted unanimously to recommend the restructuring of public access and move the issue to the Council for action, with the following two issues to be resolved:

- The Committee charged staff with negotiating an agreement with Time Warner Cable relating to the disposition of public access studio equipment. Council was advised at the subsequent March 27th dinner meeting that this issue had been resolved and an agreement had been reached.

- The Committee indicated that the issue of holding harmless WTVI funding should be decided by the Council as a whole. Council was advised, at the March 27th dinner meeting, that staff recommended this issue be handled during Council's regular budget process.

Community Input:

Over the past 2 years the Citizens Cable Oversight Committee has held several public meetings on the formation of the CMPAC and the restructuring of public access. These include meetings with current public access producers and users, as well as discussions at their annual, televised formal public hearing.

Funding:

General Fund fund balance

Attachment 8

Restructuring Government Meeting Summary

Ordinances

Additional Background

12. Funeral Escorts Agreement with Sheriff's Department

Action: A. Authorize the Charlotte-Mecklenburg Police Department to discontinue the practice of providing funeral escorts upon the assumption of this service by the Mecklenburg County Sheriff's Department in accordance with a Memorandum of Understanding between the Police Chief and the Sheriff; and

B. Authorize the City Manager to execute any agreements that may be necessary to transition the service.

Committee Chair: Patrick Cannon

Staff Resource: Darrel Stephens

Focus Area: Public Safety

Explanation:

Last year the Police Department approached the Public Safety Committee with ongoing concerns about providing funeral escorts. The concerns centered on the potential liability associated with the escorts, safety risks involved in escorting a lengthy procession against traffic signals and the resource implications for the Police Department in escorting 2100 funerals per year.

At that time the Public Safety Committee, and, later, the full Council, indicated that they would like to continue providing funeral escort services to

the citizens of Charlotte. Council directed the Police Department to work with funeral homes to develop a contractual agreement for the provision of funeral escorts and to determine the actual cost of providing an escort. The current charge for a funeral escort is \$20.

The Police Department determined that the actual average cost of an escort is \$200 based upon the use of two officers at \$63.05 each per hour for one and one half-hours.

In a meeting with representatives from local funeral homes, the funeral directors asked if there was any possibility of the Sheriff's Department providing funeral escort services. The Police Department agreed to approach Sheriff Jim Pendergraph who, after researching the issue and meeting with the funeral directors himself, expressed interest in providing the service.

The Sheriff's Department will provide the service using off duty officers. The cost to funeral homes will be \$130 per escort.

The agreement with the Charlotte-Mecklenburg Police Department transfers the responsibility to the Sheriff's Department by October 1, 2000. The Police Department will make a one-time payment to the Sheriff's Department of \$75,000 to cover the cost of three vehicles to be used to escort funerals.

Committee Discussion:

The Public Safety Committee discussed the negotiations with the Sheriff's Department at their February 23 meeting. The committee members instructed the Police Department to proceed with their talks with the Sheriff and to come back to the Council with a proposed agreement.

Committee members present were Cannon, Castano, Lochman, White, and Wheeler.

Community Input:

Funeral directors met with both the Police Department and the Sheriff's Department. The funeral directors are receptive to the Sheriff's Department providing escort services.

Funding:

The Police Department will fund the one time payment to the Sheriff out of funds available in the 1998 Local Law Enforcement Block Grant.

Attachment 9

Funeral Escort Update: February 23, 2000

13. 2000 State Legislative Agenda Charter Revisions

Action: Approve the North Carolina Legislative Agenda for the year 2000.

Staff Resource: Boyd Cauble, City Manager's Office
Mac McCarley, City Attorney

Explanation:

On Monday, March 27, Council received presentations from Boyd Cauble and Mac McCarley regarding the proposed 2000 North Carolina Legislative Agenda.

The Charter revision proposed by the City of Charlotte for the 2000 Session of the General Assembly is a modernization and technical cleanup of the existing Charter. Except as noted below, the changes from the current Charter to the proposed Charter are for the purposes of:

- To eliminate conflicts with, or preemption by, federal or state law
- To remove material that is identical or substantially similar to authority contained in the North Carolina General Statutes applicable to municipalities
- To remove outdated or antiquated provisions which are no longer used or necessary
- To modernize language of existing provisions to better match current terminology in municipal practice and in state law

The draft Charter includes four changes which are new or additional authority for the City of Charlotte. Those four changes are:

- Allows the Charlotte City Council to delegate existing functions to officers, employees or agents of the City. The purpose of this general delegation authority is to replace several specific delegations in the current Charter, and to allow the Council to streamline its business processes by delegating specific tasks to staff. A parallel provision authorizes the City Manager to similarly delegate functions and powers to other City officers, employees or agents.
- Provides updated language clarifying the authority of the City to use a legislative process for conditional district zoning. This replaces language in the current Charter which authorizes a process no longer used. The requested provision is similar to provisions authorized by the General Assembly for Durham, Raleigh, Forsyth County and three towns in Forsyth County.
- Authorizes the City to use a vehicle-immobilizing device, commonly known as a "boot," to enforce parking regulations. The provision would allow the City to boot a car parked overtime or illegally if the vehicle had at least three outstanding, unpaid tickets. This requested provision is identical to provisions authorized by the General Assembly for Durham, Greensboro, Raleigh and Winston-Salem. In addition, a

clarifying amendment authorizes the City to provide for the holding of towed vehicles until all outstanding parking tickets are paid.

- Authorizes the City to purchase public transit equipment using the competitive proposal/negotiation method of procurement. This procurement practice is becoming commonplace in the transit industry. The transit authorities in the Triad and Triangle areas of the State are already authorized to use this method.

Except as noted above, there are no substantive legal changes in the revised Charter document. The remaining changes, although substantial in volume, are for the purpose of deleting outdated material, conforming with current state law, or deleting provisions no longer used.

Attachment 10

Draft Revised Charter

14. Wingate Neighborhood Housing Development

Action: A. Approve the City Within A City recommendation to select Real Estate Consultants for Housing (REECH) to develop low and moderate-income housing in the Wingate Neighborhood; and

B. Authorize staff to negotiate a contract with REECH to design, build, market and sell housing units to create homeownership opportunities for low and moderate-income families in the Wingate Neighborhood.

Committee Chair: Rod Autrey

Staff Resource: Stanley Wilson

Focus Area: City Within A City

Policy:

The CWAC Strategic Plan supports increasing home ownership opportunities in threatened and fragile neighborhoods to foster neighborhood stabilization. The City's Housing Policy Plan calls for an increase in the supply of housing for low and moderate-income families. In June 1996 the City completed the Wingate Neighborhood Action Plan for the revitalization of this neighborhood.

Explanation:

On September 27, 1999 the City Council approved an RFP process to be undertaken to solicit qualified for-profit and non-profit builders/developers to design, build, market and sell houses to low and moderate-income families in the Wingate neighborhood. The City Council also approved a resolution to

conduct a negotiated sale of property in the Wingate neighborhood. This would allow the City to quickly complete the sale of the land to low and moderate-income homeowners and conduct sales to the most successful bidder. Staff has completed the RFP process and recommends Real Estate Consultants for Housing (REECH).

REECH proposes building twenty-nine (29) single family detached homes in Wingate. The single-family homes will be priced from \$79,426 to \$110,837. The homes will be developed on approximately six acres of vacant land owned by the City. The homes will be priced to meet the needs of families making 60 to 80% or less of the median-income for Charlotte. The 1999 median-income for Charlotte was \$54,500. Eighty percent of the median-income for a 4-person family in Charlotte is \$43,600. The project will be completed within one year after the developer receives a notice from the City to proceed.

The services provided by REECH, LLC includes:

- Developing site and architectural plans (including floor plans)
- Managing the housing construction
- Coordinating the homeownership counseling
- Pre-Qualifying potential buyers
- Assisting buyers in preparing purchase contracts
- Assisting buyers in obtaining mortgage products to meet their needs
- Conducting pre-construction meetings with buyers
- Following through on mortgage loan processing until the buyer is approved

Project Financing:

The developer is offering the City \$101,500 for the land. The City purchased the Wingate Apartments and other adjoining properties for \$1,030,500 or \$35,534 per lot. The apartments have been demolished and single-family homes are being built to improve the stability of the Wingate neighborhood. The land costs would be written down to \$3,500 per lot. The write-down is necessary to make the homes affordable to low and moderate-income families.

REECH proposes to use its own financial resources to develop this project. The City is not being requested to provide financing for construction of the homes.

The City will also make available subsidy funds (up to \$7,500 per home) through its HouseCharlotte program to assist homeowners in purchasing homes. The HouseCharlotte program is available to all “Threatened” and “Fragile” CWAC neighborhoods and some “Stable” neighborhoods in CWAC.

Background:

Detailed information about the selection process and the developer’s experience are included in the attachment.

Committee Discussion:

On March 22, 2000, the City Within A City Committee reviewed staff's selection of REECH as the developer of twenty-nine single family homes in the Wingate neighborhood. The Committee noted the progress made in getting the neighborhood revitalization back on track. The Committee unanimously voted to recommend to City Council the approval of REECH to develop low and moderate-income housing in the Wingate neighborhood.

Council members present were: Autrey, Mitchell, Cannon, Spencer, Castano, and Graham.

Community Input:

Staff solicited input on the RFP process from local for-profit and non-profit builders including: Sunset Development, Odyssey Construction, Crosland Group, Inc., Brokerage House, Mobile Construction, Habitat for Humanity, Reid Park CDC, Teander Construction, Charlotte-Mecklenburg Housing Partnership, Burke Builders, REECH, LLC, and David Furman Architecture P.A.

Funding:

Land acquisition was funded with HOME funds. HouseCharlotte is funded through HOME and Innovative Housing funds.

Attachment 11

- Phase 2 Site Plan – 29 Units
- Building and Floor Plans (5 Models)
- Cost Proposal
- Selection Process and Developer's Experience
- March 22, 2000 - CWAC Committee Summary Notes

15. West Charlotte Business Incubator Proposal

Action: A. Approve the Economic Development and Planning Committee recommendation to rescind the \$400,000 commitment to the West Charlotte Business Incubator; and

B. Engage a consultant to work with the West Charlotte Merchants Association (WCMA) to identify financial and management partners; and submit a proposal to reorganize the current incubator management structure and renovate the new incubator facility.

Committee Chair: Lynn Wheeler

Staff Resource: Stanley Watkins

Focus Area: Economic Development and City Within A City

Policy:

City Council's Economic Development and City Within A City Focus Areas seek to encourage the location, retention and expansion of businesses in Charlotte's distressed urban business districts. The development of a quality and cost effective business incubator on the Westside supports the goals of the Economic Development Focus Area and Westside Strategy Plan.

Explanation:

On July 19, 1999 City Council approved a request to provide \$400,000 in operating and capital funds for the development of a new business incubator facility located at 2701 Rozzells Ferry Road. Council's action authorized City staff to negotiate an agreement between the City and the West Charlotte Business Incubator, Inc. (WCBII) and the North Carolina Technological Development Authority (NCTDA). Council provided guidelines for the agreement including:

- Accountability to the City
- City appointment to the Board
- Professional management

The NCTDA is a statewide incubator development authority, which has supported 26 incubators statewide.

The West Charlotte Merchants Association (WCMA) is the owner of the existing incubator at 617 North Summit Avenue on the campus of Johnson C. Smith University and the new incubator facility on Rozzells Ferry Road. The WCBII is a nonprofit partnership that was created between the WCMA and NCTDA to develop and manage the existing facility and the new facility on Rozzells Ferry Road.

The West Charlotte Merchants Association and West Charlotte Business Incubator, Inc. and NCTDA have been unable to resolve issues relating to creating a new management structure that meets the City's guidelines. Therefore, City staff recommends that Council rescind the original commitment. Staff also recommends that the City engage the services of a consultant to identify financial and management options for reorganizing the management at WCBI and developing the new incubator at 2701 Rozzells Ferry Road.

The consultant will conduct a total review of the incubator operations, assess tenant information and financial records, research potential financial partners, and provide a plan for reorganization. The consultant's recommendations for reorganization will address:

- Board Governance
- Overall Management
- Marketing/Public Relations
- Financial Partnerships
- Program/Services available to incubator tenants

In addition, staff is recommending the following parameters be in place to ensure the operation of a successful incubator before any additional funds are spent on the WCBI:

- Competent and experienced incubator management
- Five-year pro forma sound tracking and accounting system
- Management information system
- Policy and procedures manual
- Public relations/marketing strategy.

The work of the consultant would be completed within 120 days at a proposed cost of \$48,500. The consultant's recommendations would be brought back to Council for consideration. A more detailed description of the consultant's scope of services is outlined in the attached summary.

Background:

Detailed background information is included in the attachment.

Committee Discussion:

On March 7, 2000 the ED & Planning Committee received an update on issues affecting the incubator's reorganization. The Committee voted to delay action to request additional information on the current incubator's performance and the scope of work that would be provided by a consultant.

On March 21, 2000, the Committee reviewed the additional information requested. In noting the lack of data to support program performance, the Committee focused their discussion on parameters to guide the development of a successful incubator and the consultant's scope of work. The Committee unanimously voted to engage the services of a consultant to assess the current incubator and to submit a proposal for reorganizing. The Committee unanimously voted to recommend staff's recommendation to Council for approval.

Committee members present were: Wheeler, Graham, Lochman, Carter, and Cannon. Council member Mitchell was also in attendance.

Funding:

Economic Development Revolving Loan Fund (EDRLF)

Attachment 12

- Consultant's Scope of Services
- Background Information
- March 21, 2000 – Economic Development and Planning Committee Summary Notes

BUSINESS

16. Agreement with North Carolina Department of Transportation Regarding Johnston Road Ramps

Action: Approve funding method and authorize Transportation Key Business Executive to execute a Municipal Agreement with the North Carolina Department of Transportation (NCDOT) regarding Johnston Road Ramps at I-485.

Staff Resource: Bill Finger

Explanation:

Charlotte voters approved a project to widen and extend Johnston Road from NC51 to I-485 as part of the 1996 Bond Referendum. It was anticipated that NCDOT Loop Funds would be used for two ramps necessary to connect Johnston Road to I-485 at an estimated cost of \$600,000. One ramp would connect from westbound I-485 to Johnston Road north. The second ramp would connect from southbound Johnston Road to I-485 east. Other ramps at the interchange are in place and were constructed when the NCDOT built the NC521 interchange with I-485. The remaining two ramps were graded but not paved since they were not needed at that time.

At the City's request, NCDOT staff first explored Urban Loop funding for the total cost since the ramps provided access to I-485. Urban Loop projects are not included in the Equity Formula. This funding source was endorsed in a November Mecklenburg-Union Metropolitan Planning Organization (MUMPO) resolution. Although the Attorney General's office determined Urban Loop funds could legally be utilized, to do so would require change in the NCDOT's Administrative Policy. The policy indicates that the state cannot fund additional loop funded projects once portions of urban loops have been completed and reported as such to the Legislature (as this section of the Outer Loop has). It is not considered in Charlotte's best interest to try to overturn that Administrative Policy in lieu of the alternative funding proposal that has been developed as described below. This is particularly true given the uncertainty of success in overturning the policy and the urgent need to move forward with construction of the ramps as part of the Johnston Road Project.

Senator Fountain Odom has committed to assist in pursuing funding from the legislative sources shown below and is optimistic about approval. He has requested this show of commitment from the City. Once the funding is secured, the CDOT Key Business Executive will enter into the Municipal Agreement with the NCDOT.

The interchange improvements are an important part of the Johnston Road extension project as it provides a significant link from south Charlotte to I-485 thereby alleviating traffic buildup along NC Highway 51 and the I-485

interchange in Pineville. Furthermore, a joint venture of Lichten Corporation/Trammel Crow/Wood Partners is in the process of developing approximately 170 acres for a mixed used project between the I-485 interchange and McAlpine Creek pursuant to a plan approved by City Council with the unanimous support of the Zoning Committee and the Planning Staff in 1999. The developer is providing substantial contributions to the infrastructure needs of the Johnston Road project and has assisted in working with the NCDOT to arrange for the necessary funding for the ramps.

The recommended funding proposal that has been developed is as follows:

North Carolina House	\$100,000
North Carolina Senate	\$100,000
Secretary, Department of Transportation	\$100,000
Board of Transportation	\$100,000
City	\$100,000 (Estimated)
Developer	\$100,000 (Estimated)

The \$400,000 in state funds does not come from Equity Formula sources. The City and developer will evenly split actual costs above the \$400,000 to be contributed by the State. The City's share will be funded in the 2002 Transportation Improvement Program (TIP) utilizing Equity Formula funds. Due to the relatively small cost and timing of need (FY2002), we have been advised by the NCDOT that funding will not impact currently programmed TIP projects.

The City is particularly interested in having the ramp built from westbound I-485 to Johnston Road early so that it can benefit traffic flow during construction of Johnston Road and ensure that such traffic does not use other area roads. Early completion of the other ramp will benefit the above described development proposed by Lichten Corporation/Trammel Crowe/Wood Partners in the northwest quadrant of the interchange. The developer is committing \$100,000 to insure that the loop ramp gets constructed early (as well as contributing considerable right of way needed for the City's Johnston Road project and committing to other improvements to benefit the public as part of a previously approved rezoning). Additionally, both ramps will be needed in connection with a new elementary school to be located at the end of Endhaven Lane within the next few years.

This action will permit the Transportation Department Key Business Executive to enter into a municipal agreement with the NCDOT. The agreement is pending approval of the MUMPO. It will prescribe the City construct the ramps at the same time as the Johnston Road project, and that applicable costs be reimbursed by the NCDOT as described above. The MUMPO is being asked to endorse the funding proposal due to their prior action requesting Urban Loop funds be the source of funding.

Funding:

NCDOT FY2002 Transportation Improvement Program

17. Business Investment Grant

Action: A. Amend City/County Business Investment Zone policy so that areas are automatically added to the City/County Business Investment Zone when they are added to the State Development Zone;

B. Amend boundaries of the City/County Investment Zone to add an area along Monroe Road (census tract 18.98); and

C. Approve a Business Investment Grant estimated at \$54,000 to Woonsocket Spinning.

Staff Resource: Tom Flynn

Focus Area: Economic Development

Policy:

The Business Investment Program is designed to assist targeted business to invest in areas of Charlotte in need of investments.

Explanation:

In September 1999, City Council amended the State Development Zone to add census tract 18.98 (see attached map). This census tract was added to qualify Woonsocket Spinning for North Carolina State tax incentives under the William S. Lee Jobs Act. However, the adjustment to the State Development Zone boundaries did not change the City/County zone boundaries. To ensure like boundaries in the future, City staff recommends that future adjustments to the State Investment Zone result in the same adjustments being made to the City/County Business Investment Zone, unless specifically stated otherwise. City Council would approve all boundary adjustments to the State Investment Zone, and thus will also approve adjustments to the City/County Investment Zone.

Woonsocket applied to the Charlotte-Mecklenburg Development Corporation for a Business Investment Grant. The Charlotte-Mecklenburg Development Corporation, which markets and administers this program for the City and the County, recommends approval. The County Commission approved this grant and related actions on March 21, 2000.

Woonsocket Spinning plans on investing \$2.5 to \$3 million at their current location at 4701 Monroe Road. The plant makes camel hair and other high end textile products. The investment will create 30 to 40 new jobs, and prevent the loss of an additional 19 jobs. The new employees will make an average wage of between \$540 and \$550 per week (\$28,080 to \$28,600 per year).

Woonsocket's location is not within the current City/County Business Investment Zone boundaries; therefore, staff recommends adding Census Tract 18.98 to the City/County Business Investment Zone.

City staff recommends adding this census tract for the following reasons:

- % of the households in this census tract live below the poverty level
- This census tract is adjacent to Grier Heights, which has 42% of households below the poverty level.
- The most recent Neighborhood Quality of Life Index shows that neighborhoods in this area are rated "threatened".
- Adding this census tract includes other non-residential land along Monroe and Independence that could benefit from the City/County Investment Zone, particularly in attracting business density along the Independence transit corridor.

City staff reviewed this grant with City Council at Council's dinner on March 27, 2000. Council asked about the need for this grant to keep Woonsocket at this location, given the small amount of money involved. Attached is a letter from Woonsocket responding to this issue. The President of Woonsocket will be at the Council meeting to address this further.

Funding:

The \$54,000 is paid over a five-year period, with the first year payment estimated at \$13,500. Funding will be included in the recommended FY2001 Budget. Funding will not be required until the improvements are completed, which will not be until late 2000.

Attachment 13

- Map of Proposed City/County Business Investment Zone
- Letter from Woonsocket Spinning
- Evaluation of Woonsocket Application

18. North Tryon Property Request for Qualification/Proposal Process

Action: Authorize City participation in a process to develop a mixed-use project on County and City land along North Tryon Street.

Staff Resource: Tom Flynn

Focus Area: Economic Development

Policy:
Implement recommendations of the Center City 2010 Plan

Explanation:

The draft Center City 2010 Plan recommends development of a mixed-use project (i.e. office, retail, residential) on the land owned by the City and County along North Tryon Street. To start this development, Charlotte Center City Partners recommends that the City and County participate in a Request for Qualification/Request for Proposal process to define a specific project for this site and select a developer for this project.

This process would include:

- Selection of a consultant to develop the RFQ/RFP and assist in the selection process
- Development of a RFQ/RFP
- Review of the RFQ/RFP by Economic Development and Planning Committee
- Approval of the RFQ/RFP by City Council and County Commission
- Selection of a developer to develop the mixed-use project
- Review of developer and development plan by Economic Development and Planning Committee
- Approval of developer and development plan by City Council and County Commission

This process will be coordinated by Charlotte Center City Partners (CCCP). A Steering Committee will direct the development of the RFQ/RFP and the developer selection. City staff from Planning, Asset Management and the City Manager's Office will be on this Steering Committee.

The County Commission has agreed to participate in this process. This action conforms to the City's Asset Management goal to convert vacant City-owned land into tax producing private development.

Background:

The City owns 3.6 acres (Old Bus Garage) bordered by Eleventh, Brevard, and Ninth Streets and the transit corridor. The County owns 11.7 acres (Hal Marshall Center) bordered by Ninth, North Tryon, and 10th Streets, and the transit corridor.

Funding:

Costs for this will be shared 1/3 CCCP and 2/3 City and County. Estimated costs to the City are \$15,000. Funds will come from the Asset Management Account.

Attachment 14

- Map of Property
- Letter from Rob Walsh, President, Center City Partners

19. Rename Monument of Valor at Marshall Park

This item will be included in the Friday, April 7 Council-Manger Memo.

20. ETJ Representative on Planning Commission

Action: Concur with the action of the County Commissioners to delay consideration of appointing a resident of the extraterritorial jurisdiction (ETJ) to the Planning Commission, until the term of a current member, who resides in the ETJ, expires in June 30, 2003, or sooner, if he does not complete his second term.

Explanation:

The City exercised its ETJ authority to zone property in the extraterritorial jurisdiction on November 22, 1999. The City and County have a joint planning agency. N.C. General Statute §160A-362 provides that the City Council and County Commissioners can determine whether or not to have an ETJ representative on the Charlotte-Mecklenburg Planning Commission.

On January 28, 2000, the Planning Liaison Committee considered three options: (1) no new representative (2) adding a 15th member to the Commission, or (3) appointing an ETJ representative to a future City or County vacancy. The Planning Liaison Committee referred the matter to the Joint City/County/School Luncheon Committee.

Before that Committee met on February 15, 2000, it was discovered that there is a currently appointed Planning Commission member who resides in the ETJ area. On March 7, 2000, the County Commissioners adopted the following option:

“Since Planning Commission member Dean Gates is an ETJ resident, if he is appointed to a second term, then the Council and Commissioners shall address the issues of an ETJ resident on the Commission as his term approaches expiration in June 30, 2003, or sooner, if he does not complete his second term.”

The statute requires Council and Commissioners to arrive at a mutual agreement about whether or not an ETJ resident will be appointed to the Planning Commission. If Council adopts the same option, stated above, then Council and County Commissioners will have arrived at a mutual agreement to satisfy the statute at this time.

21. Nominations to Boards and Commissions

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

A. AUDITORIUM-COLISEUM-CONVENTION CENTER AUTHORITY

Two appointments for three years beginning May 2000.

Frank Creft is eligible and would like to be reappointed; Mohammed Jenatian is not eligible for reappointment.

Attachment 15

Applications

B. BUSINESS ADVISORY COMMITTEE

One appointment beginning immediately and ending April 2002 to replace Frances Perez, who did not meet the 75% attendance rule.

Two appointments for three years beginning April 2000. Brian Frances and Sabrina Jackson did not meet the 75% attendance rule.

Two appointments recommended by the Charlotte Chamber to replace Thomas Barker and Frances Harkey, who did not meet attendance requirements. The Chamber recommends that Council appoint Sheila Neisler and Jackie Walton to fill these positions.

Attachment 16

Applications

C. CERTIFIED DEVELOPMENT CORPORATION

Six appointments for three years each beginning May 2000.

In the business organization category, Paul Parker does not wish to be reappointed. Alisa Watson-Delgado is eligible, and wants to be reappointed.

In the community organization category, Eugene Johnson is eligible and wants to be considered for reappointment. William Gwaltney is not eligible, and Garry McFadden does not want to serve another term.

In the private lending category, Ellie McIntire is not eligible to be reappointed.

Attachment 17

Applications

D. CIVIL SERVICE BOARD

One regular appointment beginning May 2000 to serve three years. James Samuel is eligible and would like to be considered for reappointment.

One alternate appointment beginning May 2000 to serve three years. John Offerdahl is eligible and wants to be considered for reappointment.

Attachment 18
Applications

E. CLEAN CITY COMMITTEE

Five appointments beginning July 1, 2000, and serving three years.

Jeff Coulter and William R. Purgason, Jr. are eligible and want to be considered for reappointment.

John Clement could not be reached to indicate whether or not he wishes to be reappointed.

Tony Davies and Ann Kimbro do not wish to be reappointed.

Attachment 19
Applications

F. CMUD ADVISORY COMMITTEE

Two, three year appointments beginning July 1, 2000.

One appointment will represent a small town. Leamon Brice (Davidson) did not meet Council's attendance requirements.

The other position will represent a financial expert. Mark Mire is eligible and would like to be considered for reappointment.

Attachment 20
Applications

G. COMMUNITY RELATIONS COMMITTEE

Two appointments beginning immediately and ending June 30, 2000.

Kay Strayer did not meet attendance requirements, and Ruth Tansill has resigned.

Attachment 21
Applications

H. HISTORIC DISTRICT COMMISSION

One, three year position beginning July 1, 2000.

Roger Dahnert is not eligible to be reappointed.

Attachment 22

Applications

I. HISTORIC LANDMARKS COMMISSION

Two appointments beginning July 2000 for three years.

Deborah Cox is eligible and wants to be reappointed; Barry Miller is not eligible.

Attachment 23

Applications

**J. LONG RANGE SCHOOL FACILITIES MASTER PLAN
CITIZEN'S COMMITTEE**

Council will select three citizens, preferably from the former Committee of 16, to serve until completion of the process.

A list of the former committee members is attached.

Attachment 24

Committee of 16

K. MAYOR'S INTERNATIONAL CABINET

Two appointments beginning immediately.

One will replace Jana Babineau, and this term ends February 28, 2001. The other will replace Roger Suclype, whose term ends February 28, 2002. Neither met Council's 75% attendance policy.

Attachment 25

Applications

L. MINORITY/WOMEN'S BUSINESS DEVELOPMENT

Two appointments beginning immediately.

One will represent a Business Owner/Associate and expire February 01, 2001.

William McCullough did not meet the 75% attendance requirement.

The other will represent Minority Construction Trades and also expire February 01, 2001. Ed Moore did not meet the 75% attendance requirement.

Attachment 26

Applications

M. NEIGHBORHOOD MATCHING GRANTS COMMITTEE

Three appointments to serve two year terms beginning April 2000.

One will represent a neighborhood organization, one will represent a non-profit organization and the other is an open category. George Fountain, Joyce Love and Samuel Love are eligible, and all would like to be reappointed.

Attachment 27

Applications

N. PARADE PERMIT COMMITTEE

One appointment beginning immediately and ending March 2002.

Stephanie Carter did not meet the 75% attendance requirement.

Attachment 28

Applications

O. PAROLE ACCOUNTABILITY COMMITTEE

Two appointments beginning June 2000 for three years.

Ron Stone is not eligible for reappointment; Richard Staszak is eligible and would like to be reappointed.

Attachment 29

Applications

P. PLANNING COMMISSION

One, three year appointment beginning July 1, 2000.

Mary Hopper is eligible and would like to be reappointed.

Attachment 30

Applications

Q. SISTER CITIES COMMITTEE

Six appointments for two years beginning April 2000.

Jill Bullard, Keith Cannon, Audrey Gatewood and Daniel Saltrick are eligible and would like to be reappointed.

Aukram Burton has resigned, and Russell Miller did not meet attendance requirements.

Attachment 31

Applications

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 I

22 . Various Bids

A. North Tryon Street/W.T. Harris Blvd Intersection Improvements

E&PM

Recommendation: The City Engineer recommends the low bid of \$207,667.01 by Ferebee Corporation of Charlotte, North Carolina. This project was identified in the FY98 Minor Roadway Program to reduce congestion and improve safety. The work will construct additional turning lanes and lane alignments.

MWBD Status:	Amount	% of Project	Project Goals
BBE	\$8,225	4%	4%
WBE	\$7,807	4%	3%

MWBD Compliance: Yes.

B. Street Resurfacing FY2000A**E&PM**

Recommendation: The City Engineer recommends the low bid of \$7,554,689.00 by Rea Construction Company of Charlotte, North Carolina. This project is the first of two resurfacing contracts for this year. Resurfacing Contract A, will perform milling; concrete curb and handicapped ramp construction and resurfacing on approximately 166 miles of streets within the city limits.

MWBD Status:	Amount	% of Project	Project Goals
BBE	\$527,500	7%	7%
HBE	\$0	0%	1%
WBE	\$400,800	5%	4%

MWBD Compliance: Yes. Rea Construction Company met the good faith efforts requirements.

C. 16-Inch Water Main Along Beatties Ford Road to Serve Tanners Creek Subdivision & North High School**CMU**

Recommendation: The Charlotte-Mecklenburg Utilities Director recommends the low bid of \$474,205.78 by Foster Utilities, Inc. of Pineville, North Carolina. This contract will enable Charlotte Mecklenburg Utilities to provide public water supply lines to a rapidly developing area to serve the needs of the new North High School currently under construction and the existing and planned subdivisions along Beatties Ford Road, McIlwaine Road, and Neck Road.

MWBD Status:	Amount	% of Project	Project Goals
BBE	\$0	0%	6%
HBE	\$0	0%	1%
WBE	\$25,650	5%	6%

MWBD Compliance: Yes. Foster Utilities has made a good faith effort.

D. Concourse "A" Expansion Construction Contracts Aviation

Recommendation: The Aviation Director recommends award of construction contracts totaling \$4,759,296 for expansion of Concourse "A" to the lowest responsive bidders listed below. Expansion of Concourse "A" will create five additional gates. The project will also add moving sidewalks to the Concourse "A" connector.

General Contractor:

Clancy & Theys Construction Co. \$3,751,496

Plumbing:

Alpha Mechanical, Inc. 144,000

Electrical:

Aneco Electrical Construction, Inc. 380,300

Mechanical:

Alpha Electrical Construction, Inc. 483,500

MWBD Status:	Amount	% of Project	Project Goals
General	\$3,751,496	7.5%	15%

MWBD Compliance: Yes. The mechanical, electrical and plumbing contractors will self-perform under MWBD guidelines.

23. Resolution of Intent to Abandon Street and Set Public Hearing for a Portion of a 10-foot Alleyway Bounded by Eighth Street, Clarice Avenue, Ninth Street, and Ridgeway Avenue

Action: A. Adopt the Resolution of Intent to abandon a portion of a 10-foot alleyway bounded by Eighth Street, Clarice Avenue, Ninth Street, and Ridgeway Avenue; and

B. Set a public hearing for May 8, 2000.

Attachment 32
Map

24. Approve Resolution of Intent to Abandon Street and Set Public Hearing for a portion of Stonemark Drive

Action: A. Adopt the Resolution of Intent to abandon a portion of Stonemark Drive; and

B. Set a public hearing for May 8, 2000.

Attachment 33
- Background
- Map

CONSENT II

25. Contract with Rogers Realty and Auction Company, Inc. for the Provision of Auctioneer Services

Action: Award a contract to Rogers Realty & Auction Company, Inc. for the provision of Auctioneer Services for the City of Charlotte.

Explanation:

Staff recommends award of a new contract for Auctioneer Services to Rogers Realty and Auction Company, Inc. of Mount Airy, North Carolina. Rogers Realty & Auction Company, Inc. bid a 7.95% commission rate on rolling stock, 10% commission rate on miscellaneous items, and 10% commission rate on police unclaimed property. This was the most responsive bid and best financial arrangement for the City.

The vendor receives compensation as a percentage of the auction proceeds, therefore no total dollar figure is associated with this contract. The initial term of this contract shall be for two years with the City's right to renew for three additional one year terms. The City may elect to exercise its renewal options one year at a time.

The current provider, Wayne Evans Auction Company, Inc., submitted two alternate proposals. Both of Wayne Evans' proposals were rejected by staff because of excessive commission rates.

MWBD:

Rogers Realty and Action Company, Inc. is a fifty-one percent (51%) Women-Owned Business. Rogers has additionally committed to seek quotes from City certified MWBD firms to provide towing and concession services.

Funding:

Rogers Realty & Auction Company, Inc. will be compensated for the sale of surplus property through auction proceeds at the following commission rates: 7.95% for rolling stock, 10% for miscellaneous items, and 10% for police unclaimed property.

Attachment 34

- Summary of Bids
- Contract with Rogers Realty and Auction Company, Inc. for the Provision of Auctioneer Services

26. City/County Old Corrugated Cardboard Revenue Agreement

Action: A. Adopt a resolution approving a Third Amendment to the Restated Consolidated Shared Programs Joint Undertaking Agreement between the City of Charlotte and the County of Mecklenburg; and

B. Authorize the City Manager to execute the Third Amendment on behalf of the City of Charlotte.

Policy and Explanation:

Mecklenburg County, the government agency responsible for waste disposal functions, developed a 10-year Solid Waste Management Plan that was adopted by Council in January 1998. To meet the goals of this plan, Council later approved the addition of cardboard and mixed paper to the City's curbside recycling program.

In 1999 Council approved a First Amendment to the agreement with the County that set forth a revenue sharing formula for each ton of old corrugated cardboard (OCC) collected by the City. Under this formula, the City receives 75% of all revenue from the OCC collected by the City less a service fee paid to the County's contractor who operates the recycling facility. The remaining 25% of the OCC revenue is also paid to the County's contractor.

Under the revised formula, set forth in this Third Amendment, the City will continue to receive 75% of all revenue from the OCC collected by the City. This amendment changes only the method of calculating the number of tons of OCC collected by the City. The revised formula, it is believed, will more accurately measure the OCC collected by the City and thus result in increased revenues to the City.

27. Declaration of Withdrawal for an 8-foot Alleyway off West Sixth Street Between North Church and North Poplar Streets

Action: Adopt a resolution stating that the 8-foot alleyway off West Sixth Street between North Church and North Poplar Streets is not part of the adopted street plan (thoroughfare plan).

Policy:

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

Explanation:

According to North Carolina General Statute 136-96, a right-of-way not utilized within 15 years of dedication can be abandoned through the recording of the Declaration of Withdrawal. The statute requires the City to adopt a resolution stating the right-of-way to be abandoned is not part of a proposed street plan. This unused and unopened alleyway is not part of any such plan; therefore, the City has determined that all necessary requirements of the statute have been met by adopting the resolution. Charlotte-Mecklenburg Utilities (CMU) has no existing utilities within the area to be abandoned that would require an easement.

Petitioner:

Center City LLC/Loy McKeithen

Right-of-Way to be abandoned:

An 8-foot alleyway off West Sixth Street between North Church and North Poplar Streets

Location:

From West Sixth Street westwardly approximately 48 feet to its terminus

Reason:

To incorporate the right-of-way into adjacent property owned by the petitioner

Attachment 35

Map

28. Storm Water Revenue Bond Financing

Action: Approve a resolution authorizing the issuance of up to \$37,000,000 in Storm Water Revenue Bonds for the purpose of funding projects approved in the FY99-03 Capital Investment Plan.

Explanation:

Approval of this resolution is necessary to satisfy legal requirements and authorizes staff to submit an application to the Local Government Commission for approval of the bonds and to take the necessary actions to complete the bond sale.

Projects to be funded:

Flood Control Projects	16,000,000
Storm Water Economic Development	2,000,000
Repairs to Existing Storm Drains	9,500,000
Storm Water Neighborhood Fund	3,000,000
Storm Water Channel Restoration	2,500,000
Total	\$33,000,000

The balance of funding will be for reserves, issuance expense and contingency. The actual amount will be determined at the time of sale.

Funding:

Debt service on the bonds will be paid from Storm Water fees.

29. Hidden Valley and Wilmore Neighborhood Improvement Projects

Action: Approve Amendment #2 for \$280,768 with USInfrastructure, Inc. (USI) for engineering services for Hidden Valley Neighborhood Improvements – Phase 5 and the Wilmore Neighborhood.

Explanation:

The original agreement with USI was approved on April 8, 1997 for \$98,000 for preliminary planning for Hidden Valley Phases 1-5 and design services for Phases 1 & 2.

Amendment # 1 was approved on May 24, 1999 for \$233,294 for design services for Hidden Valley Phases 3 & 4.

This Amendment #2 will provide funds for design of curb, gutter, storm drainage and sidewalk for Phase 5 in the Hidden Valley Neighborhood and for the Wilmore Neighborhood.

No future amendments are anticipated.

USI was selected using the Council-approved process.

The cost of the services is comparable to the cost for similar work.

MWBD:

ABE 75%

Funding:

Neighborhood Improvement Capital Investment Plan

30. FY2000-C Storm Water Maintenance Renewal

Action: Approve Renewal #1 for \$927,070 with United Construction Inc. for continued construction of FY2000-C Storm Water Maintenance Package.

Explanation:

This renewal will enable Storm Water Services to continue regular maintenance activities under these contracts, recognizing good contractor performance and good existing unit prices. Where the contractor's work has been of good quality, a renewal is recommended to extend the contract.

The contract documents provide for renewal of the contract up to three times, at the City's option, as an incentive to the contractor for productivity and workmanship. This renewal will increase the contract amount from \$927,070 to \$1,854,140.

MWBD:

ABE 100%

Funding:

Storm Water Capital Investment Plan

31. Storm Water Construction Administration Contract

Action: Approve Amendment #1 for \$300,000 with USInfrastructure, Inc. (USI) for construction administration services on Storm Water Repair Projects.

Explanation:

The original agreement was approved on December 14, 1998 for construction administration services with USI for \$300,000.

This agreement will provide funds for construction administration services for one additional year. The services include easement acquisition, design services, and all liaison work between the City, contractor, property owner, and the public. USI's performance to date has been above satisfactory.

USI was selected using the Council-approved process.

The cost of the services is comparable to the cost for similar work.

MWBD:

ABE 100%

Funding:

Storm Water Capital Investment Plan

32. FAA Grant Amendments

Action: Adopt a budget ordinance to appropriate funds received from Federal Aviation Administration (FAA) grant amendments totaling \$311,343.

Explanation:

On September 24, 1994 City Council accepted FAA grant (AIP-21) in the amount of \$10,023,116 for Airport Master Plan and FAR Part 150 Noise Compatibility Program projects. Total project costs were \$13,102,238. Additional costs not covered by the grant are eligible for federal reimbursement. This budget ordinance will allow the Airport to collect an additional \$113,318 of eligible funds from the FAA.

On September 11, 1995, City Council accepted FAA grant (AIP-25) in the amount of \$5,000,000 for Airport Master Plan projects. Total project costs were \$7,028,757. Additional costs not covered by the grant are eligible for federal reimbursement. This budget ordinance will allow the Airport to collect an additional \$198,025 of eligible funds from the FAA. The balance of the costs not covered by the original grant and this grant amendment, in the amount of \$73,543, will be reimbursed by a future grant amendment.

The Airport Advisory Committee recommends this action.

Funding:

Federal Aviation Administration

33. Oracle Corporation Contract Amendment

Action: Approve an amendment, not to exceed \$313,000, to a contract with the Oracle Corporation for additional work on the KBCOPS information system.

Explanation:

The Police Department continues to develop its KBCOPS (Knowledge Based Community Oriented Policing System) and has found the need for some refinements to the incident and arrest modules. There is also a need for software support during the formal testing and rollout final of the project. This amendment provides the needed support to take the project to its final phase. The testing and modifications will be completed by the end of May 2000. The system will be made available to officers via their laptop computers beginning June 2000. All officers will receive training to use the system by December 2000.

Council approved the original contract with Oracle on February 23, 1998. The initial contract was for \$2,088,400. Council approved the first amendment for \$495,675 in September 1999. The contract was deliberately

designed in a modular fashion to accommodate the anticipated changes in scope as the project evolved.

This second contract amendment will not exceed \$313,000. This amendment will bring the contract total to \$2,897,075.

Council will receive a presentation on the KBCOPS information system at its May 1 Workshop.

Funding:

Federal funds from COPS MORE'96 grant

34. Police and Fire Auxiliary Officers

Action: Adopt a resolution authorizing the City Manager to appoint auxiliary officers to the Fire and Police Departments.

Explanation:

Section 4.61(16) of the City Charter provides that City Council may authorize the City Manager to appoint auxiliary officers to the Fire and Police Departments without previous examinations by the Civil Service Board. A recent search by the City Clerk's Office failed to produce any record showing that Council had authorized the City Manager to appoint auxiliary officers. This action clearly establishes that the City Manager does have this authority.

Auxiliary officers have all the powers and duties of regular members of the Fire and Police Departments, subject to such rules and conditions as the Chiefs of their respective Departments may prescribe. Auxiliary officers are subject to discharge by the City Manager with or without cause, and without a hearing before the Civil Service Board.

The Police Department currently uses 40 auxiliary officers to make up the Police Reserve, a volunteer unit of the Department. Each member of the Reserve is a certified, sworn law enforcement officer, and many of them are former regular members of the Department who have retired or resigned. The officers work in different areas, such as the patrol districts and investigations, and also provide assistance during special events, such as the Observer half-marathon and the Carousel Parade.

The Fire Department, at the present time, does not use auxiliary officers.

35. Albemarle/W.T. Harris Interchange Condemnation

Action: A. Adopt a resolution authorizing condemnation for approximately 0.51 acres of the property located at 6825 Albemarle Road (tax codes 103-251-01 and part of 103-251-16) or the total parcel subject to approval from the property owner for the construction of the Albemarle/W.T. Harris Interchange project; and

B. Approve a budget ordinance in the amount of \$1,000,000.

Explanation:

The Albemarle/W.T. Harris Interchange project is one of the state highway system projects approved for construction by Charlotte voters in 1998. The first public meeting was held last year to overview the project for the community. The optimum design for the interchange has been developed by the consultant and staff, and the consultant is preparing for the second public meeting this spring. The scope of the project necessary to provide a grade separation will require the acquisition of several properties and portions of several others.

A portion of the subject undeveloped property will be required for the project. The remainder of the property will not have access to a public street. All of the property's frontage on Albemarle Road will become restricted for access due to its proximity to the interchange. The owner is in the process of acquiring permits to develop the property. Should the development occur, the City would have to pay the fair market value of the improved property. While the City does not have the legal authority to withhold building permits in this circumstance, a condemnation action now to acquire the vacant property will minimize the City's costs for the land.

An offer has been made to the property owner to purchase the property based on an independent certified appraisal (\$890,000). The Real Estate staff intends to negotiate further if the property owner is willing, however, the condemnation action is necessary at this time to minimize the City's financial liability for subsequent development and improvement of the property.

The property owner spoke to Council at the April 3rd Citizen's Forum. The Friday, April 7th memo will include staff's response.

Funding:

Transportation Capital Investment Plan

36. Property Transactions

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

For property transactions A-B, 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.

Acquisitions:

- A. Project:** Aviation Master Plan Land Acquisition
Owner(s): James C. Payne
Property Address: 3612 Marshall Avenue
Property to be acquired: .207 acres
Improvements: Single Family residence
Purchase Price: \$52,000
Zoned: I2
Use: Single Family residence
Tax Value: \$48,710
Tax Code: 115-172-07
- B. Project:** Aviation Master Plan Land Acquisition
Owner(s): Pete and Frances G Redfern
Property Address: 8109 Old Dowd Road
Property to be acquired: 1.70 acres
Improvements: Single Family residence
Purchase Price: \$93,000
Zoned: R3
Use: Single Family Residence
Tax Value: \$77,070
Tax Code: 113-361-64(previously 113-125-34)
- C. Project:** 24-inch Water Main along W. T. Harris Boulevard/Albemarle Road, Parcel #26
Owners(s): Patricia Sue Burd
Property Address: 7128 Lawyers Road
Property to be acquired: 1,733 sq.ft. (0.039 ac.) of permanent easement plus 1,243 sq.ft. (0.028 ac.) of temporary construction easement.
Improvements: Trees and signage

Purchase Price: \$12,000

Remarks: The areas are needed for construction of a 30-inch water main along W. T. Harris Boulevard/Lawyers Road. Acquisition price is based on an independent, certified appraisal.

Zoned: O1

Use: Dental Office

Total Parcel Tax Value: \$364,140

Tax Code: 133-251-18

- D. Project:** 24-inch Water Main along W. T. Harris Boulevard/Albemarle Road, Parcel #35
Owners(s): Jerry Segal, Joe Estwanik, Melvin Segal
Property Address: 7112 Albemarle Road
Property to be acquired: 4,248.60 sq.ft. (0.10 ac.) of permanent easement plus 2,478.3 sq.ft. (0.06 ac.) of temporary construction easement.
Improvements: Trees and landscaping
Purchase Price: \$12,000
Remarks: These areas are needed for construction of a 24-inch water main along W. T. Harris/Albemarle Road. Acquisition price is based on an independent, certified appraisal.
Zoned: B2
Use: Vacant
Total Parcel Tax Value: \$980,100
Tax Code: 109-181-05
- E. Project:** 24-inch Water Main along W. T. Harris Boulevard/Albemarle Road, Parcel #36 & 37
Owners(s): H & B Associates, Inc.
Property Address: 7128 Albemarle Road, A-B
Property to be acquired: 6,657.16 sq.ft. (0.153 ac.) of permanent easement plus 4,046.2 sq.ft. (0.093 ac.) of temporary construction easement.
Improvements: Landscaping
Purchase Price: \$30,100
Remarks: These areas are needed for construction of a 24-inch water main for W. T. Harris/Albemarle Road. Acquisition price is based on an independent, certified appraisal.
Zoned: B2
Use: Commercial
Total Parcel Tax Value: \$1,506,180
Tax Code: 109-181-15 and 109-181-16
- F. Project:** 120-inch Raw Water Line, Parcel #43 & 44
Owners(s): Pinebrook, LLC with LandCraft Properties, Inc. as Manager
Property Address: 6410 Old Plank Road
Property to be acquired: 50 ft. in width running through 24 lots of Pinebrook Subdivision of temporary construction easement.
Improvements: None

Purchase Price: \$53,142

Remarks: The temporary construction easement is needed for the 120-inch Raw Water Line project. Acquisition price based on an independent, certified appraisal.

Zoned: R4

Use: Single Family residence

Total Parcel Tax Value: \$365,230

Tax Code: 035-132-03 and 035-132-04

- G. Project:** Monroe Road/Sharon Amity Intersection Road Improvement, Parcel #53

Owners(s): W. J. Harrell & Sara B. Harrell

Property Address: 5533 Monroe Road

Property to be acquired: 1,115.029 sq.ft. (0.026 ac.) of fee simple plus 2,390.224 sq.ft. (0.055 ac.) of temporary construction easement.

Improvements: Sign

Purchase Price: \$14,900

Remarks: This acquisition is required for the intersection improvements at Monroe Road and Sharon Amity Road. Acquisition price was established by two independent, certified appraisals.

Zoned: 02

Use: Office

Total Parcel Tax Value: 116,620

Tax Code: 163-021-48

Condemnations:

- H. Project:** Monroe/Sharon Amity Intersection Road Improvement, Parcel #26

Owner(s): Five Associates LLC c/o Dan & Sara Thompson and any other parties of interest

Property Address: 5401 Monroe Road

Property to be Acquired: 9,362.562 sq.ft. (0.215 ac.) of fee and temporary construction easement

Improvements: Sign and light pole

Purchase Price: \$187,500

Remarks: This area is needed for the intersection improvements at Monroe Road and Sharon Amity Intersection. Compensation offered was established by two independent, certified appraisals and a review appraisal. City has yet to reach a negotiated agreement with property owner, who wants considerably more than the appraisal value.

Zoned: B2CD

Use: Brake Shop

Total Parcel Tax Value: \$118,650

Tax Code: 163-021-40

- I. Project:** Monroe/Sharon Amity Intersection Road Improvement, Parcel #27

Owner(s): DST LLC c/o Dan & Sara Thompson and any other parties of interest

Property Address: 2110 N. Sharon Amity Road
Property to be Acquired: 2,385.090 sq.ft. (0.055 ac.) of temporary construction easement
Improvements: None
Purchase Price: \$8,800
Remarks: This area is needed for the intersection improvements at Monroe Road and Sharon Amity Intersection. Compensation offered was established by two independent, certified appraisals and a review appraisal. City has yet to reach a negotiated agreement with property owner, who wants considerably more than the appraised value of taking.
Zoned: B1
Use: Brake Shop/Commercial
Total Parcel Tax Value: \$146,490
Tax Code: 163-021-39

- J. Project:** Monroe/Sharon Amity Intersection Road Improvement, Parcels #47 & 48
Owner(s): William J. Pleasants and Anne Pleasants & any other parties of interest.
Property Address: 5419 Monroe Road & 5431 Monroe Road
Property to be Acquired: 10,473.16 sq.ft. (0.24 ac.) of fee and temporary construction easement
Improvements: Sign
Purchase Price: \$90,900
Remarks: This area is needed for the intersection improvements at Monroe Road and Sharon Amity Intersection. Compensation offered was established by two independent, certified appraisals and a review appraisal. City has yet to reach a negotiated agreement with property owner, who wants considerably more than the appraised value of taking.
Zoned: B1
Use: Appliance warehouse and retail outlet
Total Parcel Tax Value: (#47) 369,580 & (#48) 644,130
Tax Code: 163-021-41 & 163-021-65

37. Meeting Minutes

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

- **March 8 Budget Retreat**
- **March 20 Zoning Meeting**