

**Mayor Patrick McCrory**

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

**Mayor Pro Tem Patrick De'Angelo Cannon**

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

## **CITY COUNCIL MEETING**

**Monday, August 25, 2003**

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**5:00 p.m.**

**Conference Center**

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

**6:30 p.m.**

**Meeting Chamber**

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

**7:00 p.m.**

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



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

### 1. Andover Road Stormwater Project Update

**Resource:** Court Fulton, City Attorney's Office  
Tim Richards, Engineering and Property Management

**Time:** 20 minutes

**Synopsis of Presentation:**

Charlotte Storm Water Services has been in the process of improving the storm drainage infrastructure in the Andover Road area for several years. A report was prepared on July 30, 2003 to address issues raised by several of the residents at a July 15<sup>th</sup> meeting with the City Manager, staff and two Council members.

The dinner presentation will provide a brief overview of the project, a list of residents concerns and the status associated with each concern. The Attorney's Office will present a report on the liability issues.

**Attachment 1**

Andover Road Stormwater Report

### 2. FY2003 Wastewater Report

**Resource:** Doug Bean, Utilities

**Time:** 20 minutes

**Synopsis of Presentation:**

Charlotte-Mecklenburg Utilities 4<sup>th</sup> annual Wastewater Report will be released during the last week of August and a summary version will be mailed with water bills during September. All public and private wastewater utilities in the state are required to publish an annual report detailing how well the wastewater system performed for the fiscal year ending June 30, 2003.

Once again, the Charlotte-Mecklenburg system did an excellent job by safely collecting and treating more than 99.9+ percent of this community's wastewater before returning it to our local waterways. However, the quantity of overflows in the county and the total volume spilled increased sharply compared to each of the previous three years. The presentation will discuss overflows in more detail and the actions staff have been taking to address this environmental issue.

A copy of the FY2003 Wastewater Report executive summary will be provided to City Council during the presentation.

**3. Restructuring Government Committee Report: Small Business Opportunity Program Update**

**Committee Chair:** Joe White

**Resource:** Tiffany Capers, Small Business Development Program

**Time:** 20 minutes

**Synopsis of Presentation:**

Small Business Development Program has gathered feedback on the current Small Business Opportunity (SBO) Program Policy since July 2003. Staff made revisions to the Policy based on issues raised by the contracting and subcontracting community. Highlights of the recommended revisions were presented during three meetings in August. The Metrolina Minority Contractors Association and the Carolinas Association of General Contractors requested that staff ask Council to delay its decision on the recommended revisions until its September 8 Council Meeting, which would give them more time to consider the recommendations and to devise alternatives to the staff recommended revisions. Staff also presented highlights of the proposed revisions to the Restructuring Government Committee.

The dinner presentation will provide a brief overview of the recommended revisions to the SBO Policy

**4. Committee Reports by Exception**

Transportation Committee: Sharon and Malvern Safety Improvements

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

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

**CONSENT**

- 5. Consent agenda items 17 through 54 may be considered in one motion except those items removed by a Council member. Items are removed by notifying the City Clerk before the meeting.**

## PUBLIC HEARING

### 6. Public Hearing and Resolution to Close a Portion of Fennimore Street

**Action:** A. Conduct a public hearing to close a portion of Fennimore Street; and  
B. Adopt a Resolution to Close.

**Staff Resource:** Scott Putnam, Transportation

**Policy:**

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

**Explanation:**

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

**Petitioner:**

Crosland Land Company/Paul Shriver, Turnbull-Sigmon Design

**Right-of-Way to be abandoned:**

A portion of Fennimore Street

**Location:**

Located within the Reid Park Community beginning from Hiram Street continuing approximately 196 feet

**Reason:**

To incorporate the right-of-way into adjacent property owned by the petitioner for the construction of a new single-family subdivision called Arbor Glen

**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

Mecklenburg County – No objections

Neighborhood/Business Associations

- Revolution Park Neighborhood Association – No objections
- Clanton Park Community – No objections
- Dalton Village – No objections
- Reid Park Associates (CDC) – No objections
- Reid Park Association – No objections

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

City Departments

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

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

**Attachment**

Map

**7. Public Hearing on the Communities Within A City Committee’s Affordable Housing Recommendations**



**Action: Conduct a public hearing to receive comments on the Communities Within A City Committee’s recommendations on Phase II of the Affordable Housing Policy recommendations.**

**Committee Chair:** Patrick Mumford

**Staff Resource:** Stanley Watkins, Neighborhood Development

**Policy:**

The City’s Housing Policy focuses on preserving the existing housing stock, expanding the supply of low and moderate-income housing and supporting family self-sufficiency initiatives.

**Explanation:**

On July 24, 2003, the CWAC Committee completed its Phase II review of the remaining housing policies recommended by the Affordable Housing Implementation Team in 2001. The Committee’s policy review addressed:

1. City-County Cooperation
2. Increase Homeownership
3. Information Clearinghouse
4. Mixed Housing Development

5. Section 8 Rental Incentives
6. Multi-Family Housing Locational Policy (Technical Amendment)
7. Assisted Housing at Transit Station Areas (Technical Amendment)

In addition to recommendations on the above policy areas, the Committee proposed two amendments to the adopted Assisted Multi-Family Housing Locational Policy and Assisted Multi-Family Housing at Transit Stations Policy. Both amendments are primarily technical in nature and clarify the application of both policies.

One outstanding housing policy issue recommendation, Density Bonus for Affordable Housing, will be discussed after Council adopts the Residential General Development Policy (GDP). The GDP will impact the deliberations regarding density bonuses for affordable housing.

The City's Housing Policy defines housing affordability for rental as households that earn 60% or less than the area median income (AMI) or \$36,460 annually. This is a monthly rental payment of approximately \$750 excluding utilities. For homeownership, it is defined as households earning 80% or less than the area median income (or \$51,280) with a maximum housing price of \$126,000.

Since January 2002, the CWAC Committee has held 11 meetings and devoted more than 27 hours for discussion of the five policy areas and two technical amendments. Highlights of the key recommendations made by the Committee for the policy areas are as follows:

### **1. City-County Cooperation**

Adopt a joint resolution between the City Council and Board of County Commissioners pledging to cooperate in preserving and expanding opportunities for affordable housing in Charlotte-Mecklenburg. Key elements of the proposed joint resolution will include:

- Directing the Joint Use Task Force, a group of government agency representatives that explore joint opportunities for governmental acquisitions, development and management of public facilities, to seek opportunities for affordable housing utilizing governmental assets
- Integrating affordable housing opportunities into the City and County land use planning, zoning, transportation and transit planning processes (i.e., Affordable Housing At Transit Stations Policy)
- Pursuing an active land-banking program for future affordable housing opportunities
- Continuing to seek federal, state and local funding opportunities to expand affordable housing

City Implementation: Staff will prepare a resolution for adoption by both the City Council and the Board of County Commissioners.

Budget Impact: Resolution has no budgetary impacts at this time.

## **2. Increase Homeownership**

The Committee made two recommendations relative to homeownership:

- Continue the City's current efforts to promote homeownership in declining neighborhoods, which are currently being done through the HouseCharlotte Homeownership Program, housing counseling programs, and contracts with the Charlotte-Mecklenburg Housing Partnership and local Community Development Corporations
- Expand the HouseCharlotte Homeownership Program at rapid transit station areas to promote home ownership opportunities

City Implementation: Council action on this policy will amend the HouseCharlotte program.

Budget Impact: No budgetary impact at this time. Funding for the HouseCharlotte program is evaluated and approved annually by City Council through the Consolidated Action Plan and Council's budget processes. The HouseCharlotte program is currently funded with a combination HOME (federal) and local funds.

## **3. Information Clearinghouse**

Continue the City's partnership with Socialserve.com, which provides information on affordable housing availability and assistance in making housing choices. The City will work with community housing partners to make available access to virtual and physical housing resources information at locations dispersed around the community.

City Implementation: The City currently has a contract with Socialserve.com to support the affordable rental-housing database. City staff has initiated conversation with Socialserve.com to see how information services can be expanded to include a wider range of rental and ownership information. When a definite proposal is developed, it will be brought to City Council for approval.

Budget Impact: No budgetary impact at this time. However, in the 2001 Housing Implementation Team report the estimate was \$100,000. It is anticipated that any system expansion would be funded with a combination of federal and local funds.

## **4. Mixed Housing Development**

The CWAC Committee made two recommendations relative to mixed housing development:

- A. Adopt a mixed housing policy to govern the investment of City housing funds and other city funds. The proposed mixed housing policy is outlined in the attachment. (Transit Station Areas have special mixed housing development standards.)
- B. Approve the Affordable Housing Implementation Team's recommendations regarding strategies for affordable housing development, excluding development fees and tax abatements, to be incorporated into other City housing, business corridor and neighborhood revitalization policies.

City Implementation: The Housing Funding policies of the Housing Trust Fund and the City's Neighborhood Development Key Business will be amended to support the Council adopted policy.

Budget Impact: No budgetary impact

#### **5. Section 8 Rental Incentives**

Approve the Charlotte Housing Authority's recommendations to strengthen the administration of the Section 8 Housing Program by

- Increasing the Housing Quality Standards
- Increasing landlord accountability in contracts
- Increasing resident accountability in lease agreements
- Coordinating enforcement efforts
- Providing training to residents on being good neighbors

The City will also apply these recommendations to residents and landlords participating in the City's Relocation Program. The specific recommendations are included in the attachment.

City Implementation: The Charlotte Housing Authority has already amended its internal policies and regulations to support the proposed policy. The City's Neighborhood Development Key Business has completed a training module for the Charlotte Housing Authority and will modify its Relocation Policy and regulations upon Council's approval.

Budget Impact: No budgetary impact

#### **6. Assisted Multi-Family Locational Policy (technical amendment)**

City Council adopted the Assisted Multi-Family Housing Locational Policy on November 26, 2001. This policy is currently being used to determine where the City will invest in assisted multi-family housing developments. Three issues have been raised pertaining to the application of the policy. The CWAC Committee's recommendations are:

- Issue #1- Revise the definition of assisted multi-family housing. The Committee recommended two changes to the existing assisted multi-family housing definition to: 1) amend the definition of assisted multi-

family housing in the Housing Locational Policy to apply only to place-based government funded housing (e.g., City housing investments that apply to the physical housing unit versus a Section 8 Voucher that is granted to an individual and may be applied to different housing units over time); and 2) define multi-family housing to add clarity to the type of units involved.

- Issue #2 - Notification of impending waivers of the Housing Locational Policy. The Committee recommended implementing a notice requirement to adjoining property owners and neighborhood organizations when a waiver of the policy is contemplated.
- Issue #3 - Neighborhood Revitalization Area Exemption was not added to the Housing Locational Policy. The Committee decided not to grant an exemption for revitalization areas at this time, but to revisit this matter next summer.

City Implementation: City Council's action will modify the Assisted Multi-Family Housing Locational Policy.

Budget Impact: No budgetary impact

## **7. Multi-Family Housing at Transit Station Areas (technical amendment)**

City Council adopted the Assisted Multi-family Housing at Transit Station Areas Policy on November 26, 2001. The Policy has not been applied in a transit area at this time. The South Boulevard Transit Corridor will be the first transit area where this Policy will apply.

Staff and the City Attorney's Office, after receiving a citizen's inquiry, conducted a technical review of the policy and found an inconsistency between the language in paragraph A, which was Council's policy intent, and the language in paragraph D of the policy. Under the current provision, the language could be interpreted to mean within  $\frac{3}{4}$  mile of the transit station because a transit station area is considered  $\frac{1}{2}$  mile from the transit station. The policy intent of City Council was to have special requirements for assisted housing within  $\frac{1}{4}$  mile of the transit station.

To address these concerns, the CWAC Committee recommended the following change:

Delete the word "area" at the end of paragraph D. The paragraph shall be amended as follows:

- D. The number of assisted multi-family housing units shall not be greater than 20% of the total housing units within a  $\frac{1}{4}$  mile of the transit station.

City Implementation: City Council's action will modify the Assisted Multi-Family Housing at Transit Station Policy.

Budget Impact: No budgetary impact

The Committee's detailed recommendations on all of these policy areas are included in the attached Housing Policy Public Hearing document. The City Council is scheduled to take action on the CWAC Committee's final recommendations on September 24, 2003. If Council adopts these policy recommendations, staff will come back with a more detailed implementation plan for Council approval.

**Background:**

On February 1, 1999, Charlotte City Council commissioned a review of the City's housing challenges to identify strategies to meet the needs of low and moderate-income households. A group of 25 stakeholders was formed and participated in an 18 month process that culminated with the development of an Affordable Housing Strategy Report – a Report of the City of Charlotte Housing Strategy Stakeholders. A copy of this Report is located in the Council Library. The Report outlined five strategies and 15 recommendations to address key issues in providing affordable housing. The strategies include:

- Revising planning, zoning and building requirements
- Creating new financing sources and techniques
- Revising local housing policies
- Increasing education, outreach and advocacy
- Developing strong, economically diverse neighborhoods

On October 10, 2000, City Council approved the establishment of a 25 member Affordable Housing Implementation Team (AHIT) to develop steps to implement the Affordable Housing Strategy Report. City Council charged the Implementation Team to:

- Study the Affordable Housing Report;
- Identify key action steps and accountabilities;
- Estimate the cost of each recommendation;
- Establish an implementation timeline; and
- Determine which strategies will have the greatest impact.

The Team consolidated the 15 recommendations in the original Stakeholders Report into 11 new recommendations and prioritized the new recommendations as high, medium or low, based on their ability to produce the most housing units over the next five years. A copy of the Affordable Housing Implementation Team – Final Report is located in the Council Library.

**Committee Discussion:**

The Committee held 11 meetings to review the AHIT Report and draft housing policy recommendations. The Committee's discussions and comments from citizens focused on the five policy areas and two technical

amendments. On July 24, 2003, the Committee unanimously voted to send the housing policy and technical amendments to a public hearing.

**Community Input:**

A schedule of the Committee's meeting dates was shared with the public. Interested parties were invited to participate by providing written comments to the Committee regarding areas of concern. In addition, staff has held several meetings with interested parties to receive feedback and address concerns.

Notices regarding the public hearing process and date were published in The Charlotte Observer and Charlotte Post. Written notices of the public hearing were also sent to more than 100 community groups and organizations.

**Attachment 3**

Housing Policy Public Hearing Document – August 25, 2003

## POLICY

### 8. City Manager's Report

### 9. Sharon Road at Malvern Road Safety Improvements



**Action: Approve the Transportation Committee's recommendation to test the placement of two speed humps and improve the curb alignment on Sharon Road at Malvern Road.**

**Committee Chair:** Sara Spencer

**Staff Resource:** Doreen Szymanski, Transportation

**Explanation:**

Residents of a home at the corner of Sharon and Malvern Roads appeared before City Council on May 5 to ask the City for help in addressing the number of run off the road crashes resulting in near misses of their home and felled trees in their front yard. Council referred this matter to the Transportation Committee.

The CDOT has worked with these residents in the past to address the crashes. However, several factors contribute to making this situation unique. They are:

- The location is a very sharp curve
- Sharon Road is a heavily traveled street (10,500 vehicles per day)
- Motorists speed heading into the curve
- The road has narrow lanes and a 6" vertical curb
- There is an intersection in the curve with minimal side road visibility
- There are occurrences of documented and undocumented crashes

The Transportation Committee reviewed several options for addressing safety in the curve at their June 23 meeting. The Committee asked staff to further investigate the following options:

1. Add medians approaching the curve in both directions
2. Improve the curb alignment at Malvern Road to add a visual cue to motorists that the road has a sharp curve
3. Install one or two speed humps near the curve

On July 21, the Transportation Committee reviewed the additional information about the three options and voted unanimously to endorse the CDOT Key Business Executive's recommendation to test the placement of two speed humps on Sharon Road in the vicinity of the curve to slow vehicle speeds prior to the curve. The Committee also unanimously endorsed

improving the curb alignment at Malvern Road to have additional curb line to guide motorists traveling along the road. The changes would be evaluated for six months, with effectiveness on speed, accidents, displacement of traffic to nearby roads, and motorist sentiment being monitored. If the humps were determined to be ineffective, they could be easily removed and another treatment considered.

Total project cost would be approximately \$37,500, with the speed humps being installed within one month of Council approval, and the curb work being completed by the end of this year.

Under the current Council adopted Residential Traffic Calming Program, Sharon Road would not qualify for speed humps because of the high traffic volume. However, since this portion of Sharon Road is not a primary emergency response route, speed humps are a proven engineering tool for slowing speeds, and this corner has a proven safety need, CDOT is willing to test them for six months at this location.

Typically, the Transportation KBE has full authority to implement safety projects of this magnitude; however, in this case Council must approve the placement of the speed humps in the road for liability reasons.

**Committee Discussion:**

The Committee met on June 23, 2003 to discuss the pros and cons of the various options intended to improve the safety of the curve. As a result, the Committee asked staff to further evaluate the three options identified.

The Committee met again on July 21 to discuss the Sharon at Malvern Roads safety improvement options. Discussion continued to center around the pros and cons of the three options the Committee chose for further investigation. CDOT KBE Jim Humphrey stated that the situation at Sharon and Malvern was a legitimate safety issue for which he was amenable to installing two speed humps and adjusting the curb line for a six month trial period. The Committee voted unanimously to endorse the KBE's recommendation. Committee members Spencer, Carter, Tabor and White were present. Committee member Graham was absent.

**Community Input:**

CDOT staff invited all residents in the vicinity of Sharon and Malvern Roads to the July 21 Committee meeting and to tonight's Council meeting through mailed invitation. The Myers Park Homeowner's Association has also been informed of the actions of CDOT and the Transportation Committee throughout this process.

**Funding:**

Transportation Capital Investment Accounts:  
Pedestrian and Traffic Safety (speed humps) and Minor Roadway Improvement (curb alignment)

**Attachment 4**

June 23 and July 21 Transportation Committee Minutes  
Curve Treatment Options

**10. Planning Interlocal Agreement**

**Action: Approve the City Manager's recommendation relative to options to the 1988 Interlocal Cooperation Agreement between the City of Charlotte and Mecklenburg County Establishing a Joint Planning Agency.**

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

**Explanation:**

On July 28, 2003 City Council deferred confirmation of Council member John Tabor as the Mayor's appointment to the Planning Director Recruitment Committee (PDRC) until August 25, 2003. The deferral was made to allow Council an opportunity to consider alternatives to the 1988 Interlocal Cooperation Agreement between the City of Charlotte and Mecklenburg County.

At the August 11, 2003 meeting on the General Development Policies the Council asked the City Manager for her recommendation relative to the Interlocal Cooperation Agreement.

The 1988 Agreement established a joint planning agency and provided for its organization, administration and general terms of agreement. The Agreement organized and set forth the responsibilities of the Planning Commission, but the Planning Commission is not a party to the Agreement.

The Interlocal Cooperation Agreement may be amended at any time upon mutual consent of the City and the County.

The Interlocal Cooperation Agreement may be terminated as of July 1, 2004, as long as the terminating party notifies the other party in writing on or before April 30, 2004. The Agreement may be terminated prior to July 1, 2004 only upon consent of the City and the County.

**Assumptions for Moving Forward**

The 1988 Agreement establishes general land use principles of importance to all parties. These principles include:

- Land planning and implementation of those plans is vital to the public interest
- Interlocal cooperation for comprehensive planning and plan implementation is a necessity
- Planning is critical for orderly and coordinated growth and development

- Planning is critical to establish a land planning process and policy framework as a basis for decisions and actions
- Preparation of an annual work program by the Planning Key Business will continue
- Funding of the Planning Key Business and related activities will be a City responsibility
- The size, organization, operation and charge to the Planning Commission is unchanged
- Cross-jurisdictional functions will continue, such as the environment (air and water quality), joint facility planning, school planning, vision processes such as Third Ward, etc., even though they have evolved since the creation of the 1988 Agreement
- All options below assume that the Council wishes to retain an Interlocal Agreement with Mecklenburg County that incorporates the above principles

Relative to the recruitment process for Planning Director, all options assume the following:

- The use of a professional executive search firm
- Input into the Planning Director profile by the City Council, the County Commission and the Planning Commission
- Significant stakeholder input throughout the recruitment process. Stakeholders include, but are not limited to, all parties to the Interlocal Agreement, the School Board, Planning staff, the Centralina Council of Governments, neighborhood leaders, the development community, the business community and environmental groups
- In order to begin the recruitment process, the City Manager will proceed with the search commensurate with the direction Council provides relative to these options, even if the option chosen requires subsequent approval of Mecklenburg County
- If the Agreement is terminated or amended such that the recruitment is a City-managed process, the recommended process for proceeding is attached

#### Options for Council's Consideration

Several options are outlined below for Council's consideration relative to the 1988 Interlocal Agreement. Council may also wish to combine portions of the following and develop additional options. If Council chooses to retain an Interlocal Agreement, then documents reflecting Council's choice of option(s) will be drafted for Council consideration and placed on an agenda no later than September 24.

#### The City Manager recommends Option 2.

##### **Option 1. Maintain the 1988 Agreement**

- Retain the existing agreement as adopted
- Begin the Planning Director recruitment process by confirming the Mayor's appointment of Council member John Tabor to the Planning Director Recruitment Committee (PDRC)

- Request the Planning Commission convene the PDRC to initiate search the process. The County Commission confirmed Tom Cox as the County's appointment to the PDRC on August 12, 2003. The Planning Commission will consider its appointment in early September
- Assist the Planning Commission with development of both the recruitment process and the Planning Director profile to the extent requested, as the existing Agreement puts the Planning Commission in the lead in the search process

**Option 2. Amend the 1988 Agreement by Deleting Section IV as it relates to all aspects of the Planning Director and Planning's Annual Work Program/Budget**

- Maintain all sections of the Agreement as currently written except for "Section IV. Administration". This Section establishes the Planning Commission as the agency responsible for duties ranging from the selection and evaluation of the Planning Director to approval of the annual work program and budget
- Deletion of Section IV. establishes the Charlotte-Mecklenburg Planning Commission Key Business as a City department, which is thereby governed by the personnel, budgeting, work program and financial reporting requirements as all other City Key Businesses. For example, recruitment, evaluation and termination of the Planning Director become a responsibility of the City Manager pursuant to Section 4.05 of the City Charter. Approval of the annual budget and corresponding work program would be a responsibility of City Council, also pursuant to the City Charter

**Option 3. Amend the 1988 Agreement by Deleting Section IV as it relates to all aspects of the Planning Director, Planning's Annual Work Program/Budget AND the Planning Commission Appointment Process**

- Maintain all sections of the Agreement as currently written except for sub-section 3.20 and Section IV. as indicated in Option 2
- Amend sub-Section 3.20, such that future appointments to the 14 member Planning Commission shall be made by the City of Charlotte, pursuant to Council's appointment policies. (By policy the Council would make 9 appointments and the Mayor would appoint 5.) If Council wishes to continue some County appointments to the Planning Commission, then any variation on the City having all 14 appointments may be considered. Sub-Section 3.20 currently reads as follows:

"The Planning Commission shall consist of 14 voting members. Five members of the Planning Commission shall be appointed by the Council, two members shall be appointed by the Mayor, and the other seven members shall be appointed by the Board of County Commissioners." (Note: The appointment process, but not the Interlocal Agreement, was amended in 2000 such that one City Council appointment and one County Commission appointment shall be appointed from nominees selected by the School Board.)

**Option 4. Terminate the 1988 Agreement**

- Terminate the Agreement and notify Mecklenburg County that the City will proceed with all Planning-related decisions as it would for any City Key Business
- Request of Mecklenburg County that the Agreement be terminated prior to July 1, 2004. If the County does not concur, give notice of termination effective July 1, 2004
- Draft a new Agreement, if that is Council's preference, including the general principles listed above

**Background:**

The Interlocal Agreement was adopted on December 19, 1988. In the intervening 15 years, the following changes have occurred that warrant re-consideration of this Agreement:

- In 1988, Charlotte had planning jurisdiction over approximately 30% of the land area of Mecklenburg County, with the bulk of the remaining 70% being the unincorporated area under the control of Mecklenburg County
- Charlotte now has planning jurisdiction over 70% of the county's land area, with the other six towns having the balance
- The other six towns now have their own Planning functions, which was not the case in 1988, as shown in the attached
- The City now funds 100% of the Planning Department's annual budget, rather than the 50/50 arrangement the City and County had in 1988

**Attachment 5**

Recommended Planning Director Search Process  
2003 Municipal Planning Jurisdictions in Mecklenburg County  
1988 Interlocal Agreement

**11. Big Box Committee Report**

**Action: Approve the recommendation of the Economic Development and Planning Committee to approve the recommendations contained in the Big Box report as a policy framework and direct staff to bring back an implementation plan.**

**Committee Chair:** Lynn Wheeler

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

**Explanation:**

In May 2001 the City Council directed the City Manager to review the report "Seeking Solutions to Reduce Big Box Blight" prepared by the Planning Commission. The Big Box Review Committee, composed of private sector,

City and County representatives, has completed this review and prepared the attached report.

Key recommendations of the report include:

1. Continue market studies in business corridors to determine market for reuse or redevelopment of big boxes (Studies have been completed on: Wilkinson, Freedom, Eastland and Beatties Ford, and are underway on Independence Boulevard)
2. Increase amounts available from Façade and Infrastructure Grant Programs to assist reuse of vacant big boxes
3. Provide staff more flexibility for reducing setbacks and parking requirements on vacant big boxes to allow for additional development on sites
4. Guarantee 60 day rezoning hearing for owners wanting to redevelop vacant big boxes
5. Selectively rezone vacant big boxes for mixed-use development
6. City purchase of vacant big boxes and resell of them to private developers for affordable and mixed income housing
7. Amend City County Business Investment Grant Program to provide additional financial incentives for reuse of vacant big boxes
8. Increase funding for Business Corridor Improvement Program
9. Pursue Project Development Financing
10. Council appoint a stakeholders committee to develop specific design criteria for future big boxes. These criteria would apply to both rezoning for new big boxes and existing by-right zoning for big boxes. (For this purpose big boxes are defined as retail centers over 25,000 square feet that include a large single user.)

If City Council approves this recommendation staff will develop an implementation plan for Council's approval.

**Committee Discussion:**

The Economic Development and Planning Committee discussed this on June 18 and July 16, 2003. The Committee unanimously recommended approval of the report as a policy framework. The Committee raised several issues during those discussions including:

- Council member Cannon asked about what recommendations does the report make about the proliferation of drug store, or "mini-big boxes"? This report does not make recommendations on them, as they are smaller than the big boxes reviewed in this report. Staff will address that issue in the implementation plan.
- What is the status of project development financing? Project Development Financing was approved by the State Legislature and now must be approved by a voter referendum in November 2004. Staff will update City Council on this effort on September 8, 2003.
- Why should the City be involved in buying vacant big boxes? Absentee landowners, who are not motivated to actively seek reuse or redevelopment opportunities, sometimes own vacant big boxes. Also the purchase price and redevelopment costs can create impediments to

marketing these properties. Therefore, the public sector may need to intervene in the market to eliminate the blight of vacant big boxes and their negative impact on corridor development, and to form public/private partnerships to create employment opportunities and grow the tax base.

- How will this report be used? What are the priorities? The report will be a policy framework for City staff to bring back implementation actions to City Council for Council's approval.

**Community Input:**

A public workshop on the preliminary recommendations was held in January 2002, which provided input into the recommendations. The Planning Commission has also reviewed and commented on the report.

**Attachment 6**

Big Box Review Committee Final Report

## BUSINESS

### 12. General Dynamics Business Investment Grant

**Action:** Authorize the City Manager to draft a proposed City/County Business Investment Grant with General Dynamics for an estimated amount not to exceed \$2.2 million to be paid over a time period not to exceed eight years.

**Staff Resource:** John Palmieri, Economic Development

**Policy:**

Support development of an economic environment that attracts businesses, retains existing businesses and offers a diverse economic mix.

**Explanation:**

General Dynamics Armament and Technical Products, Inc (GDATP) plans on relocating their division headquarters and light manufacturing operations to Charlotte. This will create 405 jobs with an investment of \$30 million.

GDATP, Inc employs 2,400 people in 10 locations in the United States and had sales of \$2.9 billion in 2002. GDATP, Inc makes single-barrel guns, rapid-firing Gatling guns, grenade machine guns, self-defense tiles for armored vehicles and some rockets. They have also begun producing advanced systems to protect aircraft, external aircraft fuel tanks, portable biological protection and chemical detection, and protection systems and electronics for specialty vehicles. GDATP is a business unit of General Dynamics.

During the recruitment process General Dynamics inquired about local business incentives. In response, City staff provided information on the City-County Business Investment Grant Program. Now that General Dynamics has announced this relocation, they requested an indication of support from the City and County elected officials. The indication of support would allow General Dynamics to continue plans for the relocation and to provide information for the grant application. Approval of this item gives General Dynamics the assurances they are seeking.

Staff recommends authorizing the City Manager to draft a proposed Business Investment Grant with General Dynamics for the following reasons:

1. The investment grant will attract 135 management and 270 manufacturing jobs to Charlotte.
2. The estimated maximum grant amount of \$2.2 million will result in the private sector investment of \$30 million. This is a leverage of \$13.60 private sector investment for each \$1 of public sector investment.

3. GDATP's division headquarters average salary of \$130,000 is 380% of Charlotte's average annual salary of \$34,220, and the GDATP's manufacturing average salary of \$52,300 is 153% of Charlotte's average salary.
4. Advantage Carolina identified headquarters and manufacturing as business clusters that Charlotte should seek to grow over the next decade.
5. General Dynamics' relocation is projected to have an estimated direct economic impact of \$76.6 million per year on Charlotte's economy. and generate total new taxes of \$684,000 per year to the City and \$1,108,000 per year to the County.
6. Their investment of \$30 million will generate \$2.8 million in property taxes over the eight years of the grant.
7. The City-County Business Investment Grant is part of a package that includes a Job Development Investment Grant from the State of North Carolina.

The negotiated Business Investment Grant and payment schedule will come back to City Council for final approval.

The Business Investment Grant would include the following provisions:

1. 80% of employees must be working in Charlotte in order for the grant payments to begin.
2. Grant payments cease if employment falls below 80%.
3. Portion of the grant must be repaid if company removes this investment from Charlotte within five years of the final grant payment.
4. Actual grant payments are based on the value of investment as appraised by the Mecklenburg County Tax Office.
5. Property taxes must be paid before a grant payment is made.

This item will be on the County Commission agenda of September 3, 2003.

**Funding:**

The first payment of the Business Investment Grant for General Dynamics is not expected to occur until January 2006.

### 13. University City Partners Board Appointments

**Action: Appoint new members of the University City Partners Board.**

**Staff Resources:** Matt Bronson, Budget and Evaluation  
Brad Richardson, Economic Development

**Explanation:**

University City Partners (UCP) is the nonprofit organization the City contracts with to provide services and promotional activities in the

University City area. These services and activities are funded through the special property tax assessment in the new University City Municipal Service District. Similar to Charlotte Center City Partners, University City Partners has requested formal Council approval of its new Board members listed below:

Edna Chirico, Co-Chair	Chirico-Huber Properties
Leigh Rounds, Co-Chair	ATAPCO Properties
Chancellor James Woodward	University of North Carolina at Charlotte
Spencer Lilly	Carolinas HealthCare System, University
Cheri Wills	University Place Manager
Afshin Ghazi	Ghazi Company
Mardee Woodward	University Place Neighborhood
Michael DeVaul	University YMCA/Community Building Initiative
Rusty Goode	University Research Park
Humpy Wheeler	Lowe's Motor Speedway
Rick Porter	Queens Properties
George Maloomian	Cambridge Properties
James Maxwell	Wachovia Customer Information Center
John Howard	University Hilton
Kevin Toomb	First Charter Bank
John Kindbom	Allen Tate Realty
Larry Wilson	Crescent Resources
Rene Alexander	TIAA CREF
Edgar Brambila	Zapata's Restaurant
Lynn Slayton	Regional Communications
Todd Arnold	Wexford Neighborhood
Brad Winter	Brookstone Neighborhood
Malcolm Graham	City Council, District 4

UCP Board approved a slate of initial Board members on May 14, 2003 and presented this list for Council approval on July 28, 2003. Council requested that UCP amend the slate to include a representative from TIAA CREF and to list the Council representative. Council must either appoint this revised slate of nominees or request another slate of nominees from UCP.

**Attachment 7**

Letter from UCP requesting Council action

## 14. Nominations to Boards and Commissions

### A. CHARLOTTE-MECKLENBURG PUBLIC ACCESS CORPORATION

One appointment beginning immediately and ending June 30, 2004. Joey Popp does not want to serve the additional year since the terms were amended to 3 years to match the bylaws. To fit this category, citizens must currently be employed by a non-profit community service organization.

#### Attachment 8

Applications

## 15. APPOINTMENTS TO BOARDS AND COMMISSIONS

### A. TREE ADVISORY COMMITTEE

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

Christopher Buchanan by Council member Wheeler  
Ron Shearin by Council member Carter

#### Attachment 9

Applications

## 16. Set Dates and Times for the 2003 Performance Evaluations for the City Manager, City Clerk and City Attorney

**Action: Set dates and time for closed sessions for the purpose of conducting the 2003 performance evaluations of the City Manager, City Clerk and City Attorney:**

<b>City Manager</b>	<b>Tuesday, October 7, 2003</b>	<b>3:00 p.m.</b>
<b>City Clerk</b>	<b>Monday, November 10, 2003</b>	<b>3:30 p.m.</b>
<b>City Attorney</b>	<b>Monday, November 17, 2003</b>	<b>3:30 p.m.</b>

## **MAYOR AND COUNCIL TOPICS**

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

## **Introduction to CONSENT**

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

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

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

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

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

**Contractors and Consultants**

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

## **CONSENT I**

### **17. Various Bids**

#### **A. Provincetowne Storm Drainage Improvements                      EPM**

**Recommendation:**

The City Engineer recommends the low bid of \$4,090,437.78 by United Construction Company, Inc. of Charlotte, North Carolina. This project consists of approximately 39,000 linear feet of storm drainage piping and box culvert construction. The work includes drainage structures, curb and gutter, pavement resurfacing, water and sewer line replacement, erosion control and traffic control to remedy flooding in the Provincetowne and Williamsburg Neighborhood off Ballantyne Commons Parkway. The anticipated completion date is January 15, 2005.

**Small Business Opportunity:**

Established SBE Goal: 3%

Committed SBE Goal: 3%

United Construction, the low bidder has committed 3.5% (\$143,500) of the total contract amount to certified SBE firms.

**B. Storm Water Maintenance FY 2004-B****EPM****Recommendation:**

The City Engineer recommends the low bid of \$1,035,325 by Blythe Development, Inc. of Charlotte, North Carolina. This project is part of an on-going program to provide maintenance, repair, and construction on existing storm water systems, or to construct new systems where none exists within the city limits of Charlotte. Individual projects are identified and prioritized by Engineering & Property Management's Storm Water Services Division based on the severity of the situation with regard to flooding of public and private property. Storm Water Services uses one-year "retainer" contracts such as this to provide timely response to maintenance problems.

**Small Business Opportunity:**

Established SBE Goal: 6%

Committed SBE Goal: 6%

Blythe Development Company, the low bidder, has committed 6% (\$62,120) of the total contract amount to a certified SBE firm.

**C. Storm Water Maintenance FY 2004-C****EPM****Recommendation:**

The City Engineer recommends the low bid of \$1,074,615 by Ferebee Corporation of Charlotte, North Carolina. This project is part of an on-going program to provide maintenance, repair, and construction on existing storm water systems, or to construct new systems where none exists within the city limits of Charlotte. Individual projects are identified and prioritized by Engineering & Property Management's Storm Water Services Division based on the severity of the situation with regard to flooding of public and private property. Storm Water Services uses one-year "retainer" contracts such as this to provide timely response to maintenance problems.

**Small Business Opportunity:**

Established SBE Goal: 6%

Committed SBE Goal: 1%

Ferebee Corporation has committed 1% (\$11,950) of the total contract amount to SBE participation. The good faith effort was met.

**D. Enfield/Windsor Park Drainage Improvements EPM****Recommendation:**

The City Engineer recommends the low bid of \$2,996,752.50 by Blythe Development Company of Charlotte, North Carolina. This project was identified based on the severity of drainage problems, citizen service requests, and through Charlotte Storm Water Services internal capital project ranking procedures. The project will provide relief from flooding in the Windsor Park neighborhood, which is located north of Central Avenue, east of Eastway Drive and west of North Sharon Amity Road. The anticipated completion date is late February 2005.

**Small Business Opportunity:**

Established SBE Goal: 4%

Committed SBE Goal: 4%

Blythe Development Company committed 4% (\$120,000) of the total contract amount to certified SBE participation.

**E. Archdale Drive Widening EPM****Recommendation:**

The City Engineer recommends the low bid of \$423,203.55 by Sealand Contractors Corp. of Charlotte, North Carolina. This project is funded from the 2000 Transportation Bonds and is part of the three-year vote-to-drive projects. The project will widen Archdale Drive to three lanes from Hoechst Celanese to Old Reid Road, construct approach slabs at the Archdale Drive bridge crossing over Little Sugar Creek and grade an embankment to improve the sight distance at the Old Reid Road intersection. The anticipated project completion date is mid-December 2003.

**Small Business Opportunity:**

Established SBE Goal: 1%

Committed SBE Goal: 12%

Sealand Contractors has committed 12% (\$47,535.40) of the total contract amount to certified SBE firms.

**F. Water and Sewer Main Construction-FY2004 CMU  
Contract 2-Street Main Extensions**

**Recommendation:** The Charlotte-Mecklenburg Utilities Director recommends the low bid of \$931,558.20 by R. H. Price, Inc. of Charlotte, North Carolina. This project consists of various gravity sanitary sewer pipe, water pipe, four-foot manholes, and various other appurtenances and erosion controls to be performed within rights-of-way of the North Carolina Department of Transportation and/or Charlotte Department of Transportation and other rights-of-way acquired from individually owned properties with varying temporary

construction easements throughout the City of Charlotte and Mecklenburg County.

**Small Business Opportunity:**

Established SBE Goal: 5%

SBE Committed Goal: 5.37%

R. H. Price, Inc., the low bidder, committed 5.37% (\$40,000) of the total contract amount to certified SBE firms.

## 18. In Rem Remedy

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

**Public Purpose:**

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

**Policy:**

- Communities Within A City
- Community Safety Plan

The In Rem Remedy items were initiated from 3 categories:

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

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

Field Observation

- A. 3121 Boyd Street (Lakewood Neighborhood)

Complaint

- B. 100 S. Turner Avenue (Smallwood Neighborhood)

### A. 3121 Boyd Street

**Action: Adopt an ordinance authorizing the use of In Rem Remedy to demolish and remove the structure at 3121 Boyd Street (Lakewood Neighborhood), located within the Communities Within A City boundaries.**

### Attachment 10

**B. 100 S. Turner Avenue**

**Action:** Adopt an ordinance authorizing the use of In Rem Remedy to demolish and remove the structure at 100 S. Turner Avenue (Smallwood Neighborhood), located within the Communities Within A City boundaries.

Attachment 11

**19. Resolution of Intent to Abandon Street and Set Public Hearing for a 10-foot Alleyway off of Worthington Avenue**

**Action:** A. Adopt the resolution of intent to abandon a 10-foot alleyway off of Worthington Avenue, and

B. Set a public hearing for September 24, 2003.

Attachment 12

Map

**20. Resolution of Intent to Abandon Street and Set Public Hearing for a 10-foot Alleyway between Pierce Street and Buchanan Street**

**Action:** A. Adopt the resolution of intent to abandon a 10-foot alleyway between Pierce Street and Buchanan Street, and

B. Set a public hearing for September 24, 2003.

Attachment 13

Map

**21. Resolution of Intent to Abandon Street and Set Public Hearing for a Portion of West Eastway Drive**

**Action:** A. Adopt the resolution of intent to abandon a portion of West Eastway Drive, and

B. Set a public hearing for September 24, 2003.

Attachment 14

Map

## 22. Refund of Taxes

**Action: A. Approve adoption of a resolution authorizing the refund of property taxes assessed through clerical error in the amount of \$8,502.68, and**

**B. Adopt a resolution authorizing the refund of business privilege license payments made in the amount of \$14,697.16.**

### **Attachment 15**

Resolutions

List of Refunds

## CONSENT II

### 23. Small Business Enterprise Loan Fund Revisions

**Action:** **A. Approve revisions to the final structure for the Small Business Enterprise Loan Fund and authorize the City Manager to enter into agreements with Self-Help Credit Union and other investors in the Fund, and**

**B. Adopt a budget ordinance to appropriate \$340,000 in private grant funding for the SBE Loan Fund.**

**Staff Resource:** Vi Alexander Lyles, City Manager's Office

**Policy:**

On February 24, 2003, City Council approved the structure of the Small Business Enterprise Loan Program, appropriated \$500,000 to the Loan Fund, and authorized the City Manager to enter into agreements to implement the Program and the City's investment.

**Explanation:**

Since Council's approval, staff and the City's consultant have worked with Self-Help to finalize the program documents. Through this process, the following technical changes to the Fund structure have been developed:

- Self-Help Venture Fund's Commitment Amount  
Self-Help increased its commitment from \$7,500,000 to \$8,000,000 reducing the size of the senior subordinated class of notes.
- Senior Subordinated Class of Notes  
The senior subordinated notes, which were to mature in 10 years, now mature in 3 years and will be paid a quarterly coupon of twice Self-Help's *three* year certificate of deposit rate.
- City's Commitment Amount  
The City will lend Self-Help Ventures Fund the City's \$500,000 contribution plus the sum of private sector grants written to the City. To date, the following grants, totaling \$340,000, have been committed:
 

-	John S. and James L. Knight Foundation	-	\$250,000
-	Time Warner	-	\$40,000
-	Piedmont Natural Gas	-	\$50,000

These grants mitigate the City's potential loss of principal because the grants provide a funding "cushion". This factor was not contemplated when Council initially approved the Fund.

- Spread Account  
In lieu of the “Spread Account”, which would have been funded from a “risk premium” charged to the borrower and which would have served as the first loss on defaulted loans, Self-Help will absorb the first 5% loss on every loan. Additionally, and as communicated originally, Self-Help will “cap” losses to note holders at, on average, 25% of the initial loan balance after absorbing the first loss.
- Geographic Focus  
Because Self-Help does not lend in South Carolina, companies based in York County (which is part of the Charlotte MSA) will not be eligible for funding. Note: The Fund’s primary marketing focus will be within Charlotte; however, the MSA eligibility (as approved by City Council) allows the Fund more flexibility, conforms to the SBE certification standards and aligns with the local market areas of the investors.

**Funding:**

The proposed budget ordinance would appropriate the \$340,000 private sector grant funding to be invested in the Fund to be added to the City’s previously appropriated \$500,000 investment.

**Attachment 16**

Original Fund Structure Chart

Revised Fund Structure Chart

Revised Answer to 2/10/2003 Council Dinner Meeting Question 4

Budget Ordinance Amendment

**24. CATS Bus Operations & Maintenance Facility**

**Action: Award the following contracts associated with the construction of CATS’ second bus operations and maintenance facility:**

- A. Edifice, Inc. – Construction Contract - \$37,795,167**
- B. PSI, Inc. – Materials Testing & Special Inspection - \$225,000**
- C. Ross & White Company – Bus Washer Equipment - \$282,440**

**Staff Resources:**

Brad Miller, Charlotte Area Transit System  
Tracy Haynie, Engineering and Property Management

**Explanation:**

In order to accommodate the planned public transportation improvements identified within the 2025 Transit and Land Use Plan, CATS has designed a second bus maintenance facility that will house 250 buses. The facility will be located on approximately 17 acres at 3201 South Tryon Street and will

consist of an office building, parking deck, fuel/wash/fares building, paint and body building, maintenance building, and a bus parking area. CATS staff presented this project to City Council at the May 27, 2003 Dinner Briefing as well as the Council's Transportation Committee in April 2003.

**A. Construction Contract**

In March, CATS and the City's Engineering & Property Management (E&PM) Department, publicly advertised for prospective prime contractors to submit their qualifications in order to be pre-qualified to bid on this project. Eight firms presented qualifications and the staff selection team approved all proposing firms to bid. In April and again in early June, CATS initiated public outreach efforts to inform small businesses on how they could participate in this project. Design drawings and bidding documents were issued on June 9 and a pre-bid conference and DBE networking meeting were held on June 17, 2003.

The project did not receive the minimum three bids on the initial bid opening date of July 10, 2003 as required by North Carolina bidding requirements. The two submitted bids were returned unopened, and the project was readvertised in the newspaper for the minimum seven days as required by statute. Bids were again opened on July 21, 2003 and Edifice, Inc. of Charlotte was identified as the lowest responsive and responsible bidder.

<u>Contractor:</u>	<u>Original Bid with</u>	<u>Accepted Alternates</u>	<b><u>Revised Bid</u></b>
Edifice, Inc.-Charlotte	\$39,303,550.00		<b>\$37,795,167</b>
Archer Western Contractors Atlanta, GA	\$41,235,638.85		

The original low bid of \$39,303,550 received from Edifice, Inc. exceeded the project budget. Negotiations to reduce the cost of the project were entered with Edifice as allowed by the General Statutes. The contract cost has been reduced by \$1,508,383 from the original bid through value engineering changes that will not affect the quality of the project. The proposed construction contract value is now \$37,795,167.

**B. Materials Testing and Special Inspection**

PSI, Inc. was selected pursuant to a Request For Qualifications (RFQ) procurement process performed by the City's Engineering & Property Management Division. A proposal holder's list of 75 firms was created from EP&M's database of Architects, Engineers and Surveyors. On March 5, 2003, fourteen qualification packages were received and evaluated by the Selection Committee based upon the following criteria:

- Experience in providing similar services for similar projects
- Ability to meet established schedules
- Qualifications and abilities of key individuals identified in the Qualifications package

- Experience or familiarity with 2000 IBC Chapter 17 Structural Tests and Special Inspections and the 2002 edition of the North Carolina Building Code
- References

A Selection Committee made up of representatives from CATS, E&PM and the architect for the project unanimously selected Professional Services Industries (PSI) as the firm best qualified to provide the required services for the City.

PSI, Inc. will provide development of a testing and inspection plan, coordination of required tests and inspections, perform tests and inspections during construction of the project to meet the testing and inspection requirements of Chapter 17 of the North Carolina Building Code, 2002 Edition, and other services as may be required by the specifications.

**C. Bus Washer Equipment Option**

In May 2003, City Council approved a competitively bid contract with Ross & White Company to provide the replacement bus wash equipment at CATS' existing bus facility on Davidson Street. As part of that bid, an option was included to provide the same bus wash equipment in the new facility when it is built as is provided at Davidson Street. This consistency in equipment will improve CATS' ability to efficiently maintain the bus wash systems. Ross & White were the lowest responsive and responsible bidder on both the base (Davidson Street) bid and the South Tryon Street option bid.

	Base Bid	Option Bid
<u>Contractor:</u>	<u>Davidson St.</u>	<u>S. Tryon St.</u>
Ross & White Company	\$338,119	\$282,440
N/S Corporation	\$356,797	\$303,122
Sherman Supersonic Industries Corp	\$381,195	\$426,974

**Disadvantaged Business Enterprise (DBE):**

As Federal Transit Administration (FTA) funds will be utilized for this project, CATS is required to adhere to the FTA's Disadvantaged Business Enterprise program guidelines:

- A. Construction Contract – A DBE Participation Goal of 25.4% was established for this construction project in compliance with CATS' DBE program parameters. As one of the largest capital construction projects to be initiated by CATS, CATS completed a number of efforts to ensure significant DBE participation was accomplished for this project. Public outreach sessions were initiated to alert potential DBE subcontractors to the project as early as last year when the project was under design. Additionally, a networking meeting was sponsored by CATS following the pre-bid conference to allow potential DBE subcontractors to network with possible prime contractor bidders. Edifice has committed to a 20.7% participation in the project by Disadvantaged Business Enterprises. While Edifice did not meet the

25.4% goal, CATS' DBE Consultant has determined that Edifice has met the contract requirements by making a good faith effort as defined by FTA regulations toward meeting the project goal.

- B. Materials Testing & Special Inspections – The scope of services did not lend itself to subcontracting opportunities. The Consultant has agreed to a good faith effort in securing DBE participation should the project requirements expand as a result of changed conditions.
- C. Bus Washer Equipment – DBE subcontracting opportunities were not initially identified for this effort but the equipment manufacturer has secured DBE participation for the delivery portion of the project and is currently seeking a local DBE firm to complete the on-site installation portion of their contract.

**Funding:**

Transit Capital Investment Plan

## 25. Automatic Vehicle Locator/Automatic Passenger Counter Project

**Action: Authorize the City Manager or her designee to amend the existing contract with Siemens Transportation Services in the amount of \$401,634 to equip 159 buses with automatic passenger counters at the contract unit price of \$2,526.**

**Staff Resource:**

Keith Parker, CATS

**Explanation:**

On April 22, 2002, Council approved a contract with Siemens Transportation Systems, Inc. to provide CATS with an Automatic Vehicle Location (AVL)/Automatic Passenger Count (APC) System to replace its current outdated Computer Aided Dispatching (CAD) System. In addition, this AVL System interfaces the new Automatic Passenger Counter (APC) Subsystem. The integrated AVL/APC System is the basis for future Intelligent Transportation System (ITS) programs that CATS plans to implement. This integrated AVL/APC System is based on the National ITS Architecture to allow future growth and seamless integration of various ITS components as CATS initiatives become realized.

The original contract amount covered the cost for 315 AVLs and 156 APCs. This amendment to the contract will allow CATS to equip its entire bus fleet with Automatic Passenger Counters (APCs). In consulting with peer transit services around the country, equipping this technology on all the buses will enhance CATS service planning and route development.

In the future, CATS plans to include the purchase of this technology in the initial bus purchase.

**DBE Compliance:**

Siemens Transportation Systems, Inc. has subcontracted 9% of the ITS to BITCO USA, a certified DBE.

**Funding:**

CATS Capital Program Funds

**26. Storm Drainage Projects Related to South Corridor Light Rail and Infrastructure Projects**

**Action: Approve an agreement for \$1,500,000 with US Infrastructure of Carolina, Inc. for engineering services for South Transit Corridor Light Rail Related Storm Drainage Projects.**

**Staff Resource:** Tim Richards, Engineering & Property Management

**Explanation:**

This project involves engineering planning and some initial design services for storm drainage improvement projects downstream of the South Corridor Light Rail and Infrastructure Projects. Individual projects will consist of channel, culvert, and pipe system improvements. Project selection will be based on priorities set during the South Corridor Infrastructure Project planning process, which includes the identification of some new projects and accelerating the schedule for already identified projects.

US Infrastructure of Carolina, Inc. was chosen to provide the services through a qualification based selection process. A contract amendment is anticipated in the future for final design services.

**Small Business Opportunity:**

SBE Committed Goal: 0%

The selection process for this project took place before the implementation of the SBO Program for professional services. This is a master services contract with task orders for individual projects that have not yet been completely defined. However, US Infrastructure has identified one SBE firm to perform specified elements of work in the task orders. The exact SBE participation level will be determined when each task order is finalized.

**Funding:**

Storm Water Capital Investment Plan

## 27. Stream Restoration Easements/Project along Hacker's Branch

**Action: Grant permanent conservation easement and a temporary construction easement to North Carolina Wetlands Restoration Program (NCWRP) for stream restoration project on City property along Hacker's Branch.**

**Staff Resource:** Tim Richards, Engineering and Property Management

### **Explanation:**

The stream running south along the City's property located in the southeast corner of West Tyvola Road and South Tryon Street has been deteriorating over the past several years due to previous grading work and natural erosion. The North Carolina Department of Environment and Natural Resources, Division of Water Quality through the North Carolina Wetlands Restoration Program (NCWRP), has offered to restore this stream to a more natural state. The NCWRP is a program that provides stream and wetland restoration in order to address mitigation requirements associated with wetland, stream, and buffer regulations.

The NCWRP will fund the restoration of this high priority stream project. The work will assist Storm Water Services in meeting goals to protect the environment. Since NCWRP will fund the restoration work, Storm Water Services will be able to fund other projects.

The City property adjacent to the stream is leased to Leatherman Golf Training Center (formerly Michael Jordan Golf), located at the corner of South Tryon and West Tyvola Road. The tenant is aware of the project and has no problems with the work to be done.

## 28. Acceleration of Automated Meter Reading Equipment Purchase and Installation

**Action: Adopt a budget ordinance to increase the estimated proceeds available from Utilities' share of the FY2004 Installment Payment Contract (lease purchase) from \$7.8 million to \$14.5 million.**

**Staff Resource:** Doug Bean, Utilities

### **Explanation:**

On June 23, 2003, City Council approved the FY2004 Budget Ordinance. Section 5 of the ordinance outlines the anticipated proceeds to be available from the FY2004 Installment Payment Contract for lease purchase of vehicles and other capital equipment. \$7.8 million is associated with Water

& Sewer lease purchases. Of the \$7.8 million, \$6.5 million was designated for the purchase and installation of automated meter reading equipment to service approximately 41,000 locations.

Full conversion to the use of Automated Meter Reading will result in annual operating savings of \$1 million. In an effort to accelerate achievement of this annual savings, the Utilities Director recommends that a total of 82,000 meters be targeted for installation in FY2004. Therefore, this action is needed to increase Utilities' share of the lease purchase agreement to \$14.5 million.

**Background:**

To date, 44,182 automated meters have been installed in the Davidson and Huntersville area. The next 82,000 meters will be installed in the Lake Wylie and Steele Creek area over the next 12 months. There are approximately 214,000 meters system wide. All meters will be converted to automated meter reading by summer 2006.

**Funding:**

Water Sewer Capital Equipment Fund-Utilities' Debt Service

**Attachment 17**

Budget Ordinance

**29. Water and Sewer Main Construction Street Main Extensions Renewal**

**Action: Approve Renewal #2 for \$869,565.20 with State Utility Contractors, Incorporated for continued construction of FY02 Contract J water and sewer street main extensions.**

**Staff Resource:**

Doug Bean, Utilities

**Explanation:**

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

The contract document provides for renewal of the contract up to three times, at the City's option, as an incentive to the contractor for productivity and workmanship. Renewal #2 will be in the amount of \$869,565.20 and will increase the contract amount for FY02 Contract J from \$1,739,130.40 to \$2,608,695.60. A summary of FY02 Contract J follows:

	Council Approval Date	Contract Amount
Original Contract	May 13, 2002	\$869,565.20
Renewal #1	November 11, 2002	\$869,565.20
Renewal #2	August 25, 2003	\$869,565.20
Total Contract Amount		\$2,608,695.60

**Small Business Opportunity:**

Established SBE Goal: 3%

SBE Committed Goal: 3.1%

The original contract was approved before implementation of the Small Business Development Program. To facilitate new contract requirements concerning small business enterprise participation on construction contracts, a 3% goal was set for this project. State Utility has committed 3.1% (\$27,004) of the total contract amount to SBE participation

**Funding:**

Water and Sewer Capital Investment Plan

**30. McAlpine Creek Wastewater Management Facility Digester Improvements-Change Order #1 Contract A-General**

**Action: Approve Change Order #1 for \$687,949 with Pizzagalli Construction Company for general construction at the McAlpine Creek Wastewater Management Facility Biosolids Management Improvement-Digester project.**

**Staff Resource:**

Doug Bean, Utilities

**Explanation:**

On February 25, 2002, City Council approved a contract with Pizzagalli Construction Company in the amount of \$12,949,650. This contract provides for general construction of digesters at the McAlpine Creek Wastewater Management Facility. Construction of the digesters will provide adequate detention time and digestion of bio-solids as well as reduce odors from the bio-solids treatment process. This will allow the plant the capability to properly treat and dispose of bio-solids at landfills and/or through land application.

Change Order #1, in the amount of \$687,949, will incorporate modifications that were not included in the original scope of work including removal of unsuitable subsurface conditions, pipe size increases, repair/replacement of damaged clarifier equipment, and addition of lime feed facilities for odor control purposes. With this change order, the contract with Pizzagalli will increase from \$12,949,650 to \$13,637,599.

**Funding:**  
Sewer Capital Investment Plan

### **31. Power Generation Systems for Catawba River Pump Station & McAlpine Wastewater Treatment Plant**

**Action: Approve the purchase of nine power generators and related maintenance agreements, in the amount of \$4,962,352.08, from an existing contract with Cummins Atlantic.**

**Staff Resource:** Doug Bean, Utilities  
John Trunk, Business Support Services

**Explanation:**

Charlotte-Mecklenburg Utilities has capital improvement projects for emergency power generators for two of its facilities, McAlpine Wastewater Treatment Plant and Catawba River Pump Station. The McAlpine Creek Plant requires six (6) generators, to comply with state mandates on emergency power, and to comply with phosphorous reduction emergency power. Catawba River Pump Station will get the remaining three (3) generators, to provide emergency pumping power for raw water supply to Charlotte's treatment plants.

Currently, the City of Charlotte has a contract with Cummins Atlantic for two power generators, which were purchased for the McDowell Wastewater Treatment Plant. Cummins Atlantic has agreed to sell the City nine additional generator units, at a better price than their existing contract price. (The maintenance agreement for these units reflects a 1% reduction in price, resulting in a total savings of \$12,453.71.)

North Carolina G.S. 143-129(g) authorizes local governments to purchase off any existing contract that was entered into following a public bid process within the previous 12 months. The City of Charlotte's existing contract with Cummins Atlantic was entered into on September 9, 2002.

**Small Business Opportunity:**

**Established SBE Goal: 0%**

Based on the existing contract with Cummins Atlantic, the SBO Program Manager waives SBE utilization goals for this contract. This project did not provide any opportunity for SBE subcontractor utilization.

**Funding:**  
Sewer Capital Investment Plan

## 32. Central Yard Vehicle Wash Facility

**Action: A. Approve a budget ordinance transferring a total of \$750,000 from environmental bonds from York Road Methane Gas and Fire Pits to Environmental Improvements at City Facilities, and**

**B. Approve the low-bid contract in the amount of \$629,100 to Morlando-Holden Construction, Inc. for the construction of the Central Yard Vehicle Wash Facility.**

**Staff Resource:** Jeff Furr, Engineering & Property Management

### **Explanation:**

This project will construct a truck washout facility and a drive through truck wash building for Solid Waste Services and Street Maintenance vehicles in the Central Yard. This truck wash will replace the existing aged, unreliable and EPA non-compliant truck wash currently operating in Central Yard.

A 1998 study of the Central Yard identified several areas within the Central Yard in need of environmental cleanup improvements to reduce the amount of non-point source pollution entering into adjacent streams. Approval of a new vehicle truck wash facility is the last part of this cleanup effort.

The replacement of the existing garbage truck wash was included in the FY2001 Capital Budget at \$800,000. As a result of detailed planning, it was necessary to construct expanded parking for the truck wash due to its size and additional garbage trucks located at the Central Yard. The cost of expanded parking was \$650,000. Therefore, it is necessary to supplement the project budget with additional funding. The source of funding for both the parking lot and the truck wash is environmental bonds. The \$120,900 difference between the budget ordinance and the contract includes \$75,000 for truck wash contingency, \$20,000 for additional solid waste parking lot space and \$25,000 for staff and related facility costs.

The Vehicle Truck Wash Facility will conform to the upcoming Central Yard Development Plan.

### **Background:**

On February 25, 2002, City Council approved a construction contract to improve the existing parking lot and construct a new parking lot in Central Yard for Solid Waste. The council item stated that an upcoming truck wash in Central Yard would be up for Council approval following completion of the parking lots. Both parking lots are now complete and include water quality structural Best Management Practices that contain and treat stormwater run off leaving the site.

**Small Business Opportunity:****Goal:** 5%**Commitment:** 3%

Morlando-Holden complied with good faith efforts. Morlando-Holden has committed 3% (\$20,760) of the total contract amount to SBE participation.

**Funding:**

General Government Facilities Capital Investment Plan

**Attachment 18**

Budget Ordinance

**33. Airport Concession Contract Amendment**

**Action: Approve an amended and consolidated agreement between the City and Host International, Inc. for the operation of restaurants and stores at the Airport.**

**Staff Resource:** Jerry Orr, Aviation

**Explanation:**

The City and Host are parties to (1) an agreement by which Host operates the food and beverage concession at the Airport, and (2) another agreement, pursuant to which Host operates the news/gift concession at the Airport. Each of these agreements has been amended several times over the last 10 years, and each extends until June 2010.

For administrative ease and in order to make the terms of the two concession agreements consistent with one another, the City and Host wish to execute a consolidated and up-to-date agreement ("Consolidated Agreement").

Generally, the Consolidated Agreement does not make substantive changes to the terms of the concession. However, it does combine the DBE participation goals of the two original agreements into one overall goal. Currently, the DBE participation goal for the food and beverage agreement is 22.8% of total food and beverage gross receipts, and the DBE participation goal for the news/gift concession is 15% of total news and gift gross receipts. The Consolidated Agreement has a combined participation goal for all concessions of 20%. In terms of dollars, there is no change in DBE participation. For example, under the current agreements and assuming current levels of revenue, DBE participation must be a total of approximately \$12 million. Using the combined DBE goal, participation would remain \$12 million.

The Airport Advisory Committee recommends this action.

### 34. Airport Parking Deck Construction Management Services Contract

**Action: A. Approve a contract in the amount of \$2,095,437 to Turner Construction Company of Charlotte, NC for construction management services for the additional parking deck, and**

**B. Adopt a budget ordinance appropriating \$2,095,437 from the Airport Discretionary Fund Balance to be repaid from the proceeds of future General Airport Revenue Bonds.**

**Staff Resource:** Jerry Orr, Aviation

**Explanation:**

The airport is planning to construct a new 3,000-space parking deck in its Daily Parking Facility. The deck is actually two separate facilities and will be constructed in two phases as parking demand increases. Turner Construction Company will establish and maintain project schedules and budgets, monitor quality control and coordinate the work of various contractors with tenants and airport operations.

Requests for Qualifications (RFQ) were advertised on January 26, 2003. Nine firms submitted their qualifications. A selection committee met on June 30, 2003 to determine a short list of firms. The final selection was based on the decision of the committee and the interviews held on July 11, 2003, with the short-listed firms. Turner Construction was selected because of their extensive experience in constructing parking decks. Turner has a track record of completing parking decks on time and within budget.

The Airport Advisory Committee recommends this action.

**Small Business Opportunity:**

The RFQs for this project were accepted prior to the initiation of the City's Small Business Opportunity Program.

**Funding:**

Aviation Capital Investment Plan

**Attachment 19**

Budget Ordinance

### 35. Lease Amendment with North Carolina Air National Guard

**Action: Approve a lease amendment to the North Carolina Air National Guard's lease.**

**Staff Resource:** Jerry Orr, Aviation

**Explanation:**

The North Carolina Air National Guard (NCANG) leases 77 acres of land at the airport on which they have developed the NCANG base.

On May 12, 2003, Council approved a Military Cooperative Construction Agreement in the amount of \$2.5 million under which they agreed to fund the construction of a new road that will replace Airport Drive and serve the NCANG base and the airport's North Corporate Area.

This amendment to the NCANG's lease adds 21.57 acres of additional land so they can relocate their main gate to the new road.

The Airport leases this land at no charge to the NCANG, which is a condition of the Airport's federal grant assurances.

The Airport Advisory Committee recommends this action.

### 36. Agreement with Piedmont Airlines, Inc.

**Action: Approve an agreement with Piedmont Airlines for Piedmont's operations at the Airport.**

**Staff Resource:** Jerry Orr, Aviation

**Explanation:**

Piedmont Airlines, Inc. d/b/a US Airways Express operates regional aircraft at the Airport. This agreement will require them to:

- Pay landing fees determined by City Ordinance
- Pay rents for use of gates on the basis of the number of seats on the aircraft
- Pay rents for exclusive space leased

The Airport Advisory Committee recommends this action.

### 37. Charlotte-Mecklenburg Workforce Development Board Contract

**Action:** Authorize the City Manager to execute a contract with the Charlotte-Mecklenburg Workforce Development Board in the amount of \$4,262,523 to implement Workforce Investment Act services in the Charlotte Mecklenburg area.

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

**Policy:**

The Communities Within A City and Economic Development Focus Areas emphasize preparing people for employment and meeting the workforce needs of employers. Workforce development for adults and youth are part of the City's overall neighborhood revitalization strategy and are coordinated through the Charlotte-Mecklenburg Workforce Development Board.

**Explanation:**

Authorization of this contract will allow the Workforce Development Board (WDB) to administer Workforce Investment Act (WIA) programs. The WDB is responsible for implementing WIA services in the Charlotte-Mecklenburg area according to State guidelines by contracting with WIA service providers and funding the operations of five JobLink Centers. In 2000, the WDB assumed responsibility for the operation of the job training programs funded with WIA grant funds.

The contract will provide state and federal grant funding for five Joblink Centers with projected usage of 49,000 visits, training vouchers for 95 adults and dislocated workers, services for 300 youth and operating costs of the WDB. The proposed contract will be evaluated annually for performance.

Funding for the contract includes \$3,462,523 in WIA grant funds appropriated as part of the FY04 Operating Budget on June 23, 2003 and \$800,000 in WIA grant funds carried forward to FY04.

In FY2003, the WDB through their contract with the City, achieved 93% of their 16 performance targets. The attachment includes performance information.

**Funding:**

Grants from the U.S. Department of Labor and State of North Carolina fund the contract.

**Attachment 20**

FY04 Workforce Development Board Contract and Performance Measures  
FY04 Workforce Development Board Operating Budget  
WDB Staff and Board of Directors

### 38. Utility Relocation Payment to Bell South

**Action: Approve payment totaling \$271,430 to Bell South for utility relocation on Prosperity Church Road Widening project Phase I & II.**

**Staff Resource:** Gayle Golden Vaca, Engineering and Property Management

**Explanation:**

In November 1996, voters approved \$5.2 million for the widening of Prosperity Church Road from Mallard Creek Road to Katelyn Drive (Phase I). In November 2000 voters approved \$8 million for the widening of Prosperity Church Road from Katelyn Drive to Loganville Lane (Phase II). These road improvement projects will widen Prosperity Church Road from two lanes to a four-lane, median-divided section, and will have new curb & gutter, bike lanes, planting strips and sidewalk.

On both projects, Bell South had fiber optic cabinets that were originally outside of the City's right of way. The widening of Prosperity Church Road posed a conflict with the two Bell South facilities. The cabinets were relocated outside of the new right of way at a cost of \$151,879 for Phase I and \$119,551 for Phase II. These payments to Bell South provide for labor and materials needed for the relocation of these facilities.

**Funding:**

Transportation Capital Investment Plan

### 39. Order of Collection for Ad Valorem Taxes

**Action: Adopt an order of collection empowering the Office of the Tax Collector to collect the City's ad valorem taxes.**

**Staff Resource:** Mac McCarley, City Attorney

**Explanation:**

The City-County Tax Attorney and the County Tax Administrator advise that the City Council adopt and that the Mayor sign an annual Order of Collection of taxes. State law requires city and county governments to take this action annually.

**Attachment 21**

Description of Attachment  
Order of Collection

## 40. Emergency Management Reimbursement

**Action: Adopt a budget ordinance appropriating \$15,344.42 in cost reimbursement for response to the Air Midwest #5481 crash.**

**Staff Resource:** Wayne Broome, Fire

**Explanation:**

On January 8, 2003, Midwest Air Flight 5481 crashed shortly after takeoff from Charlotte-Douglas International Airport, killing all 19 passengers and two crewmembers aboard the Beech 1900D airplane. This insurance reimbursement from American International Aviation Agency, Inc. will offset the cost of equipment and materials utilized to mitigate the incident.

**Attachment 22**

Budget Ordinance

## 41. Department of Justice Grant for Hazardous Materials Equipment

**Action: A. Accept a grant of \$90,900 from the NC Division of Emergency Management for purchase of equipment for the Charlotte Fire Department's hazardous materials response teams, and**

**B. Adopt a budget ordinance appropriating \$90,900 to the Public Safety Grant Fund.**

**Staff Resource:** Jeff Dulin, Fire

**Explanation:**

The Charlotte Fire Department has been awarded \$90,900 from the State Domestic Preparedness HazMat Grant Program for purchase of equipment for the hazardous materials response teams to use in the event of terrorism incidents. This grant program is funded by the US Department of Justice and administered in North Carolina by the N.C. Division of Emergency Management. The items purchased through this grant will be property of the City of Charlotte and may include equipment useful for: personal protection, mitigation/remediation of explosive devices, WMD technical rescue, communications, detection, or decontamination and enhancement of physical security.

**Attachment 23**

Budget Ordinance

## 42. SafeKids Campaign Grants

- Action:**
- A. Accept a mobile car seat check up van and grant of \$2,500 from the National SAFEKIDS Campaign Buckle Up Program,**
  - B. Adopt a budget ordinance appropriating \$2,500 from the National SAFEKIDS Campaign Buckle Up Program to the Public Safety Grants Fund,**
  - C. Accept a grant of \$5,400 from the North Carolina Office of the State Fire Marshal and Governor's Highway Safety Program for a trailer to be used for SAFEKIDS programs, and**
  - D. Adopt a budget ordinance appropriating \$5,400 from the North Carolina Office of the State Fire Marshal and Governor's Highway Safety Program to the Public Safety Grants Fund.**

**Staff Resource:** David Lowery, Fire

### **Explanation:**

The Charlotte Fire Investigation Task Force is the lead agency for the Charlotte-Mecklenburg SAFEKIDS Coalition. The first grant provides a Chevy cargo van and a one-time cash supplement for expenses incurred due to ownership of the vehicle. Surveys have shown that a majority of infant and child safety seats are not installed properly, which can lead to unnecessary injuries and fatalities in vehicle wrecks. Charlotte-Mecklenburg SAFEKIDS has 120 technicians certified to check and install child car seats. This van will be used to support the current mobile car seat checking program of the local SAFEKIDS Coalition and for other SAFEKIDS programs and events.

The second grant will be used to buy a trailer and equipment to set up a permanent child safety seat checking station and provide other related SAFEKIDS programs, such as bike rodeos, health and safety fairs, pedestrian safety training, and other injury prevention programs for children. It will be housed at the Fire Investigation Task Force and managed by the fire and life safety educators who are a division of the Task Force.

### **Attachment 24**

Budget Ordinance

## 43. Assets Forfeiture Funds Appropriation

**Action: Adopt a budget ordinance appropriating \$30,000 in police assets forfeiture funds.**

**Staff Resource:** Greg Crystal, Police

**Explanation:**

The Police Department wishes to appropriate \$30,000 from its assets forfeiture funds. \$25,000 will be used to purchase furniture and equipment for the new David Three District office on North Tryon Street.

The remaining \$5,000 will be used as a contribution to the DARE Foundation for DARE Officer training. The State DARE Training Center has lost the state funding it normally receives for DARE Officer training and retraining programs. The DARE Foundation has asked local police departments to make contributions from their drug forfeiture funds to help support the Training Center. A number of other local police departments including Hickory, Concord, Mooresville, and Huntersville are joining Charlotte in making contributions.

**Funding:**

N.C. Unauthorized Substance Tax Funds

**Attachment 25**

Budget Ordinance

#### 44. Juvenile Justice Accountability Grant

**Action: Adopt a budget ordinance appropriating \$46,511 from the Governor's Crime Commission and \$5,168 in police assets forfeiture funds for a Juvenile Justice Accountability Grant to enhance the Police Department's SHOCAP Program.**

**Staff Resource:** Captain Tim Danchess, Police

**Explanation:**

The Police Department has received a grant from the Governor's Crime Commission under the Juvenile Justice Accountability Program. The grant will be used to strengthen the Department's Serious Habitual Offender Comprehensive Action Program (SHOCAP) that targets habitual juvenile offenders for enforcement and intervention. The grant will allow the Department to hire an Intensive Juvenile Probation officer to work for one year exclusively with youth in SHOCAP.

The Police Department's Family Services Bureau will modify SHOCAP to provide early intervention and prevention to young people who do not yet qualify as habitual offenders before they are fully entrenched in the criminal justice system. The Police Department will partner with other agencies to share information on the young people in SHOCAP so that they can benefit from a coordinated intervention program. Partner agencies include the

Charlotte-Mecklenburg Schools, the Department of Social Services, Juvenile Court, The Gatling Center, and the Sheriff's Department. The grant is for one year.

**Funding:**

\$46,511 from the Governor's Crime Commission; \$5,168 from N.C. Unauthorized Substance Tax Funds

**Attachment 26**

Budget Ordinance

**45. Grant for International Relations Unit Best Practices Manual**

**Action: Adopt a budget ordinance appropriating \$5,920 in funds from the Governor's Crime Commission for the development of a Best Practices Manual for the International Relations Unit.**

**Staff Resource:**

Sergeant Diego Anselmo, Police

**Explanation:**

The Governor's Crime Commission has used CMPD's International Relations Unit as a resource in developing statewide initiatives to help law enforcement agencies deal with the unique demands of serving a growing international population. To that end, the Crime Commission has asked the International Relations Unit to develop a Best Practices Manual, based on its operations, that can be used by the Commission and other agencies throughout the state. The Crime Commission has given CMPD a grant in the amount of \$5,920 to cover the expenses of preparing and printing the manual.

**Funding:**

\$5,920 from the Governor's Crime Commission

**Attachment 27**

Budget Ordinance

**46. Donation of Surplus Radio Equipment**

**Action: Declare as surplus and donate radio equipment to the Town of New Bern, North Carolina.**

**Staff Resource:**

Susan Johnson, Business Support Services

**Explanation:**

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

This equipment is currently owned by the City of Charlotte and was purchased through General Funds.

The radio equipment is approximately 13 years old. This equipment is no longer in production and parts for support are no longer available.

Staff has estimated the value of this equipment at \$3,000 to \$10,000 with the expectation the lower value is much more realistic than the higher.

The Town of New Bern, North Carolina has requested the donation of this equipment to enhance their services.

**Attachment 28**

List of property to be donated

**47. Public Auction for Disposal of Equipment**

**Action: Declare specific vehicles, equipment, various parts and supplies and other miscellaneous items as surplus and approve a resolution authorizing them for sale by electronic auction August 26-September 4, 2003 and by public auction on Saturday, September 20, 2003, Saturday September 27, 2003 and October 25, 2003.**

**Staff Resource:** Susan Johnson, Business Support Services

**Explanation:**

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

On August 26 at 8:00 a.m. through September 4, 2003 at 5:00 p.m. to dispose of designated City owned property (Exhibit A of Attachment 29) declared as surplus using the electronic auction method.

On September 20, 2003 at 10:00 a.m. to dispose of designated City owned property (Exhibit B of Attachment 29) declared as surplus at the City-County Surplus Property Facility located at 3301 North I-85 Service Road, Charlotte, North Carolina.

On September 27, 2003 at 10:00 a.m. to dispose of Police unclaimed property at the City-County Surplus Property Facility located at 3301 North I-85 Service Road, Charlotte, North Carolina.

On October 25, 2003 at 10:00 a.m. to dispose of miscellaneous office furniture and technology related goods ( Exhibit C of Attachment 29) at the City-County Surplus Property Facility located at 3301 North I-85 Service Road, Charlotte, North Carolina.

The City selected the method of public auction for disposal of surplus items. An auction service was chosen through competitive bids. The process was developed in the interest of fairness and is economical in its cost and time savings.

The electronic auction will be directed by the City's contract auction company, Rogers Realty and Auction Company on their website (www.rogersrealty.com ). The current contract with Rogers Realty and Auction Company provides a fee of \$400 per auction for the use of their website and an administrative fee per auction based on the number of units being sold (\$1,000 for any amount up to 25 units plus \$250 for each additional 25 units).

A minimum price is established for each item. The minimum price is based on 80% of the average price for similar items sold at recent auctions.

The Auction Company will be compensated for the sale through auction proceeds. Of the gross sale price they will receive 8.50 % for rolling stock equipment, 15% for unclaimed Police property, and 12% for miscellaneous items.

#### **Attachment 29**

List of property to be declared as surplus

List of surplus to be sold electronically

#### **48. Public Access Ordinance Amendments to Time Warner Cable Franchises**

**Action: Second reading and vote on approval of amendments to the Time Warner Cable Television Franchise Agreements to allow Time Warner to deduct a 2% bad debt allowance on Public Access Support Fund payments.**

**Staff Resource:** Doris Boris, Business Support Services

#### **Explanation:**

On July 28, 2003, City Council approved amending Time Warner cable television franchise agreements to establish a flat amount of 2 percent to be deducted from Access Support Funding payments as allowance for bad debts. State law requires ordinances granting or amending a franchise to be passed at two regular meetings of the City Council. Therefore, a second vote approving these amendments is required.

In April 2000, the City Council approved amendments to the two Time Warner cable television franchise agreements. The amendments replaced Time Warner's previous obligation to directly provide public access services with a requirement that Time Warner make public access support payments directly to the Charlotte-Mecklenburg Public Access Corporation (CMPAC). The current payment is 21 cents per month. The amendments also authorized Time Warner to bill the access support amount through as a separate line item on cable bills.

After the amendments took effect, Time Warner's payments to the CMPAC reflected an allowance for "bad debt". Staff and Time Warner subsequently agreed that it would not be appropriate to require the company to use fees paid by cable subscribers for non-public access services to fund the gap between public access support billings and collections and, therefore, it is appropriate to allow for bad debt.

Staff and Time Warner have negotiated a flat 2% bad debt allowance. Staff believes this is a commercially reasonable amount, particularly since Time Warner's reported bad debt has been ranging from 2% to 4%. Time Warner will also pay \$10,911 to the CMPAC to adjust previously reported bad debt to the agreed upon 2% allowance.

#### **Attachment 30**

Time Warner Cable (old Cablevision) Amendment

Time Warner Cable (old Vision Cable) Amendment

## **49. Portland Cement Concrete**

**Action: A. Reject the low bid of \$352,355 by Carolina Concrete, Inc., Charlotte, North Carolina, and**

**B. Approve a contract with Southern Concrete Materials, Inc. of Charlotte, North Carolina in the estimated annual amount of \$359,820.00 for Portland Cement Concrete.**

**Staff Resource:** Layton Lamb, Transportation

#### **Explanation:**

Three bids were received in response to Invitation To Bid #2003-090. It has been determined that the apparent low bid submitted by Carolina Concrete, Inc. will actually cost the City more than the second low bid, when drive time and crew wait time are considered. This is due to the lack of multiple concrete plants located within Mecklenburg County.

Paragraph 4.12 of the Invitation To Bid stated that a contract, if awarded, would be awarded to the lowest responsible, responsive Bidder or Bidders, taking into consideration quality, performance, plants conveniently located to

Street Maintenance work sites within Mecklenburg County, and the execution time specified in the Invitation To Bid.

The low Bidder, Carolina Concrete currently has three plants: 11509 Reames Road, Charlotte, NC; 1316 Indian Trail-Waxhaw Road, Indian Trail, NC (Union County); and 1196 Hensley Road, Fort Mill, SC (York County). Carolina Concrete is in the process of purchasing an additional site, located on Hebron Street, but on the bid opening date this additional site was not functioning under the ownership of the Bidder. Therefore, at the time their bid was submitted, they had only one concrete plant located within Mecklenburg County.

Analysis of historical concrete usage data, drive time involved in driving from a central point to the plant located on Reames Road and the future site on Hebron Street, and the estimated time crews would be required to wait for delivery of concrete, has shown that the City will incur an additional annual cost of approximately \$24,051.21 if the contract is awarded to the low Bidder.

Street Maintenance Division therefore recommends the award of a contract to the second lowest bidder, Southern Concrete Materials, Inc.

**Small Business Opportunity:**

Established SBE Goal: 0%

SBE Committed Goal: 0%

The Small Business Development Program Manager waived the SBE goal for this project. There are only two SBE firms in the City's Vendor Management System, who are certified to perform this type of work. However, it is not the standard business practice for concrete manufacturers to subcontract the hauling of their material. Further, a Notice of Invitation To Bid was mailed to the two firms in the Vendor Management System, neither of which attended the pre-bid meeting, nor submitted a bid.

**Funding:**

Transportation Operating Budget

**50. Lease with Charlotte Merchandise Mart**

**Action: Approve one-year lease, with a two-year option to extend under the same rent and other terms between the City and Charlotte Merchandise Mart for approximately 2,000 square feet of office space, at a rental rate of \$945 per month.**

**Staff Resources:**

Tim O'Brien, Engineering and Property Management

Walter Abernathy, Neighborhood Development

**Explanation:**

In January 2003, Neighborhood Development/Code Enforcement Division was created from a consolidation of the Community Improvement Division and Housing Code Enforcement. As part of the consolidation, four neighborhood Code Enforcement site offices were needed to provide better geographical coverage citywide. The Merchandise Mart site provides an effective eastside presence and is the last of the four neighborhood offices to be established. This site was chosen since it is easily accessible to the public and close to a number of critical neighborhood areas.

The other neighborhood Code Enforcement site offices are located in the Belmont Center, Northwest Community Center and the West Service Center.

Terms of the lease are as follows:

- Leased area consists of approx. 2,000 sq. ft. @ \$5.67/sq. ft.
- Monthly rent is \$945.00/month, fixed for (3) years if the two additional renewals are exercised
- Owner is responsible for utilities
- City to provide its own janitorial service
- Parking for City and personal cars included at no additional cost

**Funding:**

Neighborhood Development Operating Budget

## **51. Charlotte Area Transit Maintenance Facility Additional Compensation for Condemnation**

**Action: Approve \$224,000 additional compensation to the condemnation deposit of \$2,800,000 for the taking of property at 3200-3201 South Boulevard for the Transit Maintenance Facility Project.**

**Staff Resource:** Catherine Williamson, Assistant City Attorney

**Explanation:**

In February 2001 City Council authorized condemnation of this property for the appraised amount of \$2,530,000. The appraisal was subsequently updated and in January 2002 Council approved additional compensation of \$270,000 based on that update. The condemnation case was filed in court in February 2003 and the appraisal has now been updated again to the filing date/date of taking and shows an increase in value in the amount of \$224,000 for a total property value of \$3,024,000.

**Funding:**

Transportation Capital Investment Plan

## 52. **Condemnation Settlement for Associated Apartment Investors/Colony Limited Partnership**

**Action: Approve final settlement of condemnation action captioned City of Charlotte v. Associated Apartment Investors/Colony Limited Partnership.**

**Staff Resource:** Susanne Todd, City Attorney's Office  
Daryl Greenberg, Engineering and Property Management

**Explanation:**

This property is an apartment complex at the corner of Sharon Road and Colony Road, near Southpark Mall. The City filed this condemnation action on March 25, 2002 and acquired 2,288.66 square feet of fee simple right of way, 3,835.02 square feet of temporary construction easement, 1,047.51 square feet of permanent sidewalk and utility easement and 189.43 square feet of permanent drainage easement.

City Council authorized condemnation for \$66,000 based on a certified appraisal of the land acquired. Mediation in this matter was held on July 25, 2003. Property owner hired MAI appraiser, John McPherson, who determined compensation for the taking to be \$462,000. Mr. McPherson's analysis was based on value of land taken as well as damages to the remainder of the property resulting from loss of income from the rental units that are now very close to Sharon Road. After continued negotiations during mediation, the parties agreed to settle this matter for \$200,000 or an additional \$134,000, contingent on Council approval. Given the fees and costs associated with taking a case to trial, coupled with the forecast of evidence from each side, the City Attorney recommends approval of this settlement.

**Funding:**

Transportation Capital Investment Plan

## 53. Property Transactions

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

For property transactions A-B and D-E, 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.

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

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

### Acquisitions:

- A. Project:** FAR Part 150 Plan Acquisition  
**Owner(s):** Edwin Ward Norris  
**Property Address:** 9022 and 9014 Markswood Rd  
**Property to be acquired:** 2.158 acres  
**Improvements:** vacant land  
**Purchase Price:** \$33,000  
**Zoned:** R3  
**Use:** vacant land  
**Tax Value:** \$36,000  
**Tax Code:** 141-261-42 and 141-261-43
- B. Project:** Airport Master Plan Acquisition  
**Owner(s):** Mary Frances Mangan ET AL  
**Property Address:** 5501 Wallace Neel Road  
**Property to be acquired:** 25.6569 acres

**Improvements:** vacant land  
**Purchase Price:** \$1,834,222  
**Zoned:** I2CD  
**Use:** vacant land  
**Tax Value:** \$1,547,200  
**Tax Code:** 115-191-05

- C. Project:** South Corridor Light Rail Project, Parcel # 211  
**Eng Number:** 512-01-078  
**Property Owner(s):** Old Pineville Properties  
**Address:** 6313 Old Pineville Road  
**Property to be acquired:** 17,383 sq ft (.399 ac) in Fee Simple  
**Improvements:** Building and all improvements  
**Purchase Price:** \$272,000  
**Zoned:** I-2  
**Use:** Commercial Heating and Air  
**Tax ID:** 169-162-06  
**Total Parcel Tax Value:** \$122,600

### Condemnations:

- D. Project:** Airport Master Plan Condemnation  
**Owner(s):** L. P. Allman et al  
**Property Address:** Garrison Road  
**Property to be acquired:** 6.008 acres  
**Improvements:** vacant land  
**Purchase Price:** \$360,000  
**Zoned:** R3  
**Use:** vacant land  
**Tax Value:** \$69,400  
**Tax Code:** 141-131-03
- E. Project:** Airport Master Plan Land Condemnation Settlement  
**Owners:** M.D. Union Properties of North Carolina, Inc.  
**Property Address:** 7700 Frosch Road, 7767 Frosch Road, and 7636 Rupp Road  
**Property to be acquired:** 3.651 acres  
**Improvements:** warehouse  
**Amount deposited:** \$1,125,000  
**Additional settlement amount:** \$175,000  
**Remarks:**  
Settlement amounts are determined by reviewing the opinions of the landowner's appraisers and evaluating the costs and risks of continuing with litigation where just compensation is contested.  
**Zoned:** I1  
**Use:** vacant land and warehouse  
**Tax Value:** \$983,480  
Tax Codes: 113-141-05;113-141-06; 113-143-19

- F. Project:** Morris Field Drive Widening, Parcel # 43,  
**Owner(s):** Robert J. Hill, Estate of Rosa L. Hill and any other Parties of Interest.  
**Property Address:** 4147 Morris Field Drive  
**Property to be acquired:** Total Combined area of 530 sq.ft. (.012 ac.) of Fee Simple plus Temporary Construction Easement  
**Improvements:** None  
**Purchase Price:** \$700  
**Remarks:** Compensation was established by an independent, certified appraisal and an appraisal review. City staff has yet to reach a negotiated settlement with the property owner.  
**Zoned:** R-8  
**Use:** Single Family Residential  
**Tax Code:** 117-111-18  
**Total Parcel Tax Value:** \$29,600
- G. Project:** Morris Field Drive Widening, Parcel # 21,  
**Owner(s):** Robert J. Hill, Estate of Rosa L. Hill and any other Parties of Interest.  
**Property Address:** 4141 Morris Field Drive  
**Property to be acquired:** Total Combined area of 4,853 sq.ft. (.111 ac.) of Fee Simple plus Permanent Drainage Easement plus Temporary Construction Easement  
**Improvements:** None  
**Purchase Price:** \$2,575  
**Remarks:** Compensation was established by an independent, certified appraisal and an appraisal review. City staff has yet to reach a negotiated settlement with the property owner.  
**Zoned:** R-8  
**Use:** Single Family Residential  
**Tax Code:** 117-111-17  
**Total Parcel Tax Value:** \$43,600
- H. Project:** Morris Field Drive Widening, Parcel # 20,  
**Owner(s):** Robert J. Hill, Estate of Rosa L. Hill and any other Parties of Interest.  
**Property Address:** 4205 Morris Field Drive  
**Property to be acquired:** Total Combined Area of 9,732 sq.ft. (.223 ac.) of Fee Simple plus Permanent Drainage Easement plus Temporary Construction Easement  
**Improvements:** None  
**Purchase Price:** \$6,850  
**Remarks:** Compensation was established by an independent, certified appraisal and an appraisal review. City staff has yet to reach a negotiated settlement with the property owner.  
**Zoned:** R-8  
**Use:** Single Family Residential  
**Tax Code:** 117-111-23  
**Total Parcel Tax Value:** \$109,000

- I. Project:** Morris Field Drive Widening, Parcel # 19,  
**Owner(s):** Robert J. Hill, The Estate of Rosa L. Hill, Rosa Kearns Bragg Smith, Blandena Kearns Lane and any other Parties of Interest.  
**Property Address:** 4209 Morris Field Drive  
**Property to be acquired:** 756 sq.ft. (.017 ac.) of Temporary Construction Easement  
**Improvements:** None  
**Purchase Price:** \$400  
**Remarks:** Compensation was established by an independent, certified appraisal and an appraisal review. City staff has yet to reach a negotiated settlement with the property owner.  
**Zoned:** R-8  
**Use:** Single Family Residential  
**Tax Code:** 117-111-24  
**Total Parcel Tax Value:** \$47,400
- J. Project:** Morris Field Drive Widening, Parcel # 17,  
**Owner(s):** Robert J. Hill, The Estate of Rosa L. Hill and any other Parties of Interest.  
**Property Address:** 4231 Morris Field Drive  
**Property to be acquired:** 300 sq.ft. (.007 ac.) of Temporary Construction Easement  
**Improvements:** None  
**Purchase Price:** \$175  
**Remarks:** Compensation was established by an independent, certified appraisal and an appraisal review. City staff has yet to reach a negotiated settlement with the property owner.  
**Zoned:** R-8  
**Use:** Single Family Residential  
**Tax Code:** 117-111-27  
**Total Parcel Tax Value:** \$42,500
- K. Project:** Morris Field Drive Widening, Parcel # 12,  
**Owner(s):** Robert J. Hill, The Estate of Rosa L. Hill and any other Parties of Interest.  
**Property Address:** 4301 Morris Field Drive  
**Property to be acquired:** Total Combined Area of 3,461 sq.ft. (.079 ac.) of Permanent Utility Easement plus Temporary Construction Easement  
**Improvements:** None  
**Purchase Price:** \$1,725  
**Remarks:** Compensation was established by an independent, certified appraisal and an appraisal review. City staff has yet to reach a negotiated settlement with the property owner.  
**Zoned:** R-8  
**Use:** Single Family Residential

**Tax Code: 115-032-36**

**Total Parcel Tax Value: \$41,900**

## **54. Meeting Minutes**

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

- **June 23, 2003 Business Meeting**
- **June 30, 2003 Special Meeting**
- **July 21, 2003 Zoning Meeting**